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SUPERIOR ORDERS, NUCLEAR WARFARE, AND THE DICTATES OF CONSCIENCE: THE DILEMMA OF MILITARY OBEDIENCE IN THE ATOMIC AGE

GUENTER LEWY
Smith College

When Francis Gary Powers was asked by the presiding judge of the Soviet military tribunal trying him for espionage whether he had not considered the possibility that his U-2 flight might provoke armed conflict, the captured pilot answered, "The people who sent me should think of these things. My job was to carry out orders. I do not think it was my responsibility to make such decisions."[1] This article deals with a similar problem, a predicament which to this day, fortunately, has remained hypothetical, but which may become distressingly real at some time in the future. It concerns the unenviable position of the military subordinate commanded to use nuclear weapons, who may be punished today if he disobeys and prosecuted tomorrow if he obeys. The discussion initially evolves around three issues in international law: (1) the validity of the plea of superior orders as a defense in war crimes trials; (2) the question of the legality of using nuclear weapons; and (3) the present status and future of the law of war. That these problem areas are intimately related should become clear as we proceed.

The disregard for humanitarian and moral considerations which has increasingly characterized the conduct of war in the twentieth century, and, more recently, the development of nuclear weapons—the tools of mass extermination *par excellence*—have led many students of international law to conclude that the laws of war are dead. Grotius' doctrine of the *temperamenta belli,* requiring belligerents to conduct hostilities with regard for the principles of humanity and chivalry, as well as the many conventions drawn up prior to World War I in order to regulate the use of violence, are said to have become largely obsolete. A committee of the American Society of International Law concluded in 1952 that the laws of war were in a "chaotic" state and that "few distinguishable rules of the law of war" were still in existence.[2] Only regulations which do not really hamper the conduct of total war, like those concerning the treatment of prisoners of war and hostages, are still seen to be of some limited value. As to the rest of the body of the law of war, it cannot and ought not "restrict the effective employment of militarily advantageous techniques so long as war itself is the ultimate sanction behind [international] law."[3] Should mankind have the misfortune to be involved once more in a war of global proportions, writes H. A. Smith, "it is not likely that the belligerent powers will pay much attention to anything which the lawyers may have to say. On all sides it will be agreed that the law of self-preservation over-rides all other law."[4] The prediction of Douhet, the prophet of total war, that in the face of "self-interest, of national survival, every convention loses its value, every humanitarian sentiment loses its weight"[5] has seemingly been borne out.

And yet, this trend toward the indulgence of international lawlessness and the unfettered use of force has not gone completely unchallenged. The defeated camp at least, at the end of World War II, was brought into the dock of justice and was judged quite severely for persistent violations of the law of war. The majority of the Nazi war crimes, "attended by every conceivable circumstance of cruelty and horror," declared the Nuremberg tribunal in its judgment, had arisen from the hideous German National Socialist conception of total war. In "this conception of 'total war' the moral ideas underlying the conventions which seek to make war more humane are no longer regarded as having force and validity. Everything is made subordinate to the overmastering dictates of war. Rules, regulations, assurances, and treaties, all alike, are of no moment."[6] In the *High Command Case* another panel of judges explicitly rejected the notion "that military necessity includes the right to do anything that contributes to the winning of a war . . . such a view would eliminate all humanity and decency and law from the conduct of war and it is a contention which this Tribunal repudiates as contrary to the accepted usages of civilized nations."[7] The same court also affirmed the supremacy of international law over municipal law and declared that in certain circumstances individuals may have to break the latter in order to obey the dictates of the former:

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[1] *New York Times,* August 19, 1960, p. 8.

[2] *Proceedings of the American Society of International Law,* Vol. 46 (1952), p. 218.

[3] C. P. Phillips, "Air Warfare and Law," *George Washington Law Review,* Vol. 21 (1952–53), p. 442.

[4] H. A. Smith, *The Crisis in the Law of Nations* (London, 1947), p. 66.

[5] Giulio Douhet, *The Command of the Air,* trans. Dino Ferrari (New York, 1942), p. 309, quoted in Edward M. Earle, ed., *Makers of Modern Strategy: Military Thought from Machiavelli to Hitler* (Princeton, 1943), p. 492.

> International law operates as a restriction and limitation on the sovereignty of nations. It may also limit the obligations which individuals owe to their states, and create for them international obligations which are binding upon them to an extent that they must be carried out even if to do so violates a positive law or directive of state.[8]

Following the same logic is the provision of the Charter of the International Military Tribunal which lays down that orders of a government or of a superior do not free a defendant from responsibility for crimes committed in violation of international law, though a court may consider this fact in mitigation of punishment.[9]

The continued validity of the laws of war is similarly affirmed in the military codes of the principal nations. The American *Law of Land Warfare*, for example, stresses that hostilities must be conducted "with regard for the principles of humanity and chivalry"[10] and that the means of injuring the enemy "are definitely restricted by international declarations and conventions and by the laws and usages of war."[11] The manual reaffirms the so-called Martens Clause, the preamble to the Hague Convention No. IV Respecting the Laws and Customs of War on Land (Oct. 18, 1907), according to which "until a more complete code of laws has been issued, . . . , the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience."[12] The same homage to the international law of war is to be found in the comparable British manual which emphasizes that the laws of war "are binding not only upon States as such but also upon their nationals and, in particular, upon the individual members of their armed forces."[13] Both manuals insist that members of the armed forces are bound to obey lawful orders only and, subject to a few minor qualifications, reject the plea of superior orders as a valid defense in the trial of an accused person for violation of the laws of war and the commission of a war crime.[14]

The paradoxical situation has thus been created in which, according to one highly influential school of thought at least, the new weapons of mass destruction and the announced determination to use them have made the whole basis of the law of war obsolete, while, on the other hand, military codes of law continue to espouse high-sounding affirmations of the laws of humanity, and individual members of the armed forces are made explicitly and directly responsible for violating international law and flouting the dictates of the public conscience. The new weapons, if ever to be used in all their frightful destructiveness, seem to demand the complete suppression of all moral scruples. They put a premium upon blind obedience to orders issued by superiors far from the scene of action and insulated from the horrors committed by the subordinate in a plane or at a missile launcher. At the same time, the citizen in uniform is burdened with the duty to disobey commands and orders in violation of the laws of humanity and is held accountable for the commission of war crimes even if acting under superior orders.

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[6] International Military Tribunal, *Nazi Conspiracy and Aggression: Opinion and Judgment* (Washington, D.C., 1947), p. 56, hereafter cited as *I.M.T. Judgment.*

[7] *Trials of War Criminals Before the Nuremberg Military Tribunals under Control Council Law No. 10, October 1946 to April 1949* (Washington, D. C., 1950), XI, 541, hereafter cited as *Trials of War Criminals.*

[8] *Ibid.*, p. 489.

[9] Art. 8, quoted in Robert H. Jackson, *The Case Against the Nazi War Criminals* (New York, 1946), p. 101.

[10] U. S. Department of the Army, *The Law of Land Warfare*, Field Manual 27-10 (Washington, D. C., 1956), Art. 3, p. 3, hereafter cited as *U. S. Law of Land Warfare* (1956).

[11] *Ibid.*, Art. 33, p. 17.

[12] *Ibid.*, Art. 6, p. 6.

[13] Great Britain, War Office, *Manual of Military Law*, 9th ed., Part III: *The Law of War on Land* (London, 1958), Art. 1, p. 1, hereafter cited as *British Law of War* (1958).

[14] *Ibid.*, Part I, sec. 34(1); Part III, par. 627; *U. S. Law of Land Warfare* (1956), Art. 509.

The possible conflict of loyalties and duties which this state of affairs has brought about was the subject of several interesting debates in the British House of Lords in 1950 and 1952. What should an airman do, it was asked, when ordered to drop an atomic bomb? Should he obey the order or refuse on the ground that using this weapon violates the international law of war? He may end up between the Charybdis of being shot for insubordination in war-time and the Scylla of being hanged, if a military tribunal organized by the victor decides that his act shocked the conscience of civilized peoples.

Some of the participants in the discussion questioned the ability of the military subordinate to decide whether an order he was commanded to execute violated "the unchallenged rules of warfare" and outraged "the general sentiments of humanity." "What are to-day the unchallenged rules of warfare?" inquired Lord Chatfield. "Are there any at all? . . . What are the general sentiments of humanity today? Are there any?"[15] Two years later, in a renewal of the debate, Lord Winster asked, "Do we tell the air crews who carry and deliver an atomic bomb not to outrage the general sentiments of humanity? Do we hold that one of the air crew, if captured, ought not to be treated by the enemy as a war criminal?" Would not every airman who takes part in what the victors eventually describe as a "war of aggression" be a war criminal?[16] Lord Cook was afraid that the rule about superior orders would undermine military discipline. Soldiers, he argued, must be able to execute orders without delay and misgivings about their legality under international law. "There should be no risk of any one being troubled, subconsciously or otherwise, by doubts as to whether, by so doing, he is laying himself open to future charges of being a war criminal if he should fall into the hands of the enemy."[17]

An attempt to answer the questions so raised opens up a number of problem areas. There is the question how far the war crimes trials held after the Second World War and contemporary military codes have resolved the problem of superior orders in accordance with international law, and what may be the implications for military obedience as well as for modern total war. There is next the issue of the legality of using nuclear weapons under international law, for the duty of disobedience comes into play only if the illegality of an order is clearly established. This leads into the much argued point of whether international law is indeed still able to concern itself with such a strictly legal issue, a controversy that involves the broader problem whether the law of war is really dead, as some say, or has only been breached without thereby losing its legal status. Whether an airman who under orders dropped an atomic or hydrogen bomb could be considered a war criminal, whether he should challenge such orders and risk being punished by his superiors for breach of discipline or mutiny, whether international law can effectively protect individuals against a domestic law which is illegal from the point of view of international law—these are questions which today may seem rather theoretical and removed from reality; they involve fine technical points. And yet it is perhaps no exaggeration to say that upon the answers given to these questions may some day depend the future of the human race.

I. THE PLEA OF SUPERIOR ORDERS

Prior to the end of World War II there was no settled rule of international law on the validity of the defense of *respondeat superior*. The military laws of the major powers varied, Great Britain and the U.S.A., for example, allowing the plea, and Germany rejecting it. Article 3 of the Washington Treaty of 1922—binding only the major powers possessed of capital ships—found submarine attacks on merchant ships to be a violation of the laws of war irrespective of whether the attacker was "under orders of a governmental superior."[18] The London Convention of 1930, on the other hand, which embodied very similar substantive principles of maritime warfare, did not include this repudiation of the defense of superior orders, an omission which informed students of the subject consider deliberate and indicative of the controversial nature of the problem.[19]

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[15] *House of Lords Debates*, 168 (July 19, 1950), col. 460.

[16] *Ibid.*, 176 (May 14, 1952), cols. 998–999.

[17] *Ibid.*, col. 965.

[18] *Cf.* Sheldon Glueck, *War Criminals: Their Prosecution and Punishment* (New York, 1944), p. 155.

[19] *Cf.* N. C. H. Dunbar, "Some Aspects of the Problem of Superior Orders in the Law of War,"

Early English law had posited the absolutely binding character of military orders. The military code of 1749 made obedience extend to *lawful* orders only, but this provision was withdrawn again in the 1914 edition of the *Manual of Military Law.* Article 443 returned to the doctrine of unconditional obedience and of absolute non-liability for violations of international law when under superior orders. It read: "Members of armed forces who commit such violations of the recognized rules of warfare as are ordered by their government or by their commander are not war criminals and cannot therefore be punished by the enemy."[20] The source of the provision was L. Oppenheim's *International Law,* first published in 1906, and a pamphlet authored by Oppenheim and Colonel James E. Edmonds entitled *British Land Warfare: An Exposition of the Laws and Usages of War on Land* and published in 1913.

Article 443 of the British *Manual* remained unchanged from 1914 till 1944. In April of that year the War Office in a complete about-face changed the article on superior orders to read: "The fact that a rule of warfare has been violated in pursuance of an order of the belligerent Government or of an individual belligerent commander does not deprive the act in question of its character as a war crime; . . . members of the armed forces are bound to obey lawful orders only and . . . cannot therefore escape liability if, in obedience to a command, they commit acts which both violate unchallenged rules of warfare and outrage the general sentiment of humanity."[21] The change had been foreshadowed in the sixth edition of Oppenheim's classic, brought out in 1940 by H. Lauterpacht. But this has not stifled the misgivings of many who see the shift of position as a poorly disguised and self-serving way of preparing the ground for the trials of the German and Japanese war criminals who were sure to invoke the plea of superior orders.

Until 1914 the American military code did not contain any reference to superior orders, though in several judicial decisions that doctrine had been rejected as an unqualified defense.[22] In these judgments soldiers were held civilly as well as criminally liable when the orders they had obeyed were later found to be illegal. The basic principle followed was that obedience was due only to a lawful order, although in practice the test of legality apparently did not involve a possible conflict with the international law of war. An order was seen to be legal as long as it emanated from an officer authorized to give it, did not extend beyond the superior's power or discretion, and did not involve a manifest violation of the law of the land. Most of the cases on record pertain to rather trivial offenses like being upheld in the refusal to obey an order to assist in the building of a private stable for an officer.[23]

The first explicit linking of the problem of superior orders and the laws and customs of warfare is to be found in the 1914 edition of the *Rules of Land Warfare.* Paragraph 347 of that manual, clearly inspired by the British formulation, laid down that "individuals of the armed forces will not be punished for these offenses [against the law of war] in case they are committed under the orders or sanction of their government or commanders."[24] This provision remained in force until November 1944, one year before the Nuremberg trials. Worried experts had pointed out that the earlier formulation "would give almost the entire band of Axis war criminals a valid defense."[25] It was superseded by the following new Section 345.1:

> Individuals and organizations who violate the accepted laws and customs of war may be punished therefor. However, the fact that the acts complained of were done pursuant to order of a superior or government sanction may be taken into consideration in determining culpability, ...[26]

The reference to organizations probably adumbrates the declaration of criminality against

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Juridical Review, Vol. 63 (1951), p. 247; J. M. Spaight, *Air Power and War Rights* (3d ed.; London, 1947), p. 57, hereafter cited as Spaight, *Air Power* (1947).

[20] Quoted in Glueck, *op. cit.,* p. 150.

[21] Full text of Art. 443 in United Nations War Crimes Commission, *History of the United Nations War Crimes Commission and the Development of the Laws of War* (London, 1948), p. 282.

[22] For a discussion of these cases see Glueck, *op. cit.,* pp. 144–149.

[23] See William Winthrop, *Military Law and Precedents* (2d ed.; Washington, D. C., 1920), pp. 296–297, 575, 887.

[24] Quoted in Glueck, *op. cit.,* p. 140.

[25] *Loc. cit.* "In view of Nazi excesses," writes Julius Stone, "a conference of Allied jurists were instructed to review their respective national laws on 'superior orders,' then ranging from the Norwegian which excluded the plea, to the French and British and American which admitted it. The United States Rules of Land Warfare were subsequently amended along with the British and French." *Legal Controls of International Conflict: A Treatise on the Dynamics of Disputes- and War-Law* (New York, 1954), p. 362, n. 75.

[26] U. S. War Department, General Staff, *Rules of Land Warfare,* Field Manual 27-10 (Washington, D. C., 1947), loose leaf insert.

certain Nazi organizations like the SS and SD by the Nuremberg International Military Tribunal.

While British and American law, as we have seen, accepted the plea of superior orders until 1944, German law rejected it from the very beginning. The Military Penal Code adopted by the Reichstag in 1872 laid down that in case a penal law was violated through the execution of the order of a superior, "the obeying subordinate shall be punished as accomplice (1) if he went beyond the order given to him, or (2) if he knew that the order of the superior concerned an act which aimed at a civil or military crime or offense."[27] In 1921 the German Supreme Court relied on this law in the case of *The Llandovery Castle,* a Canadian hospital ship sunk by a German submarine without prior warning in 1918 and with a loss of 234 persons. Two officers of the submarine were on trial for assisting in the machine-gunning to death of helpless life-boat survivors of the ship. They pleaded superior orders, but the court rejected the plea. While military subordinates, according to the court, ordinarily can count on the legality of orders given by their superior officers, "no such confidence can be held to exist if such an order is universally known to everybody, including the accused, to be without any doubt whatever against the law. . . . They should, therefore, have refused to obey. As they did not do so, they must be punished."[28] Germany continued to reject the plea during the Second World War, notably in the cases of captured allied airmen accused of terror bombing. Summarizing the German attitude, Goebbels wrote in the *Völkischer Beobachter:* "The pilots cannot say that they as soldiers acted upon orders. It is not provided in any military law that a soldier in the case of a despicable crime is exempt from punishment because he blames his superior, especially if the orders of the latter are in evident contradiction to all human morality and every international usage of warfare."[29] Goebbels may not have realized that soon the victorious Allies would quote his words and use them to convict the surviving leaders of the Nazi military machine.

After considerable debate the United Nations War Crimes Commission agreed upon the following rule regarding the problem of superior orders: "The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility but may be considered in mitigation of punishment if the Tribunal determines that justice so requires."[30] All of the trials held pursuant to the Charter and Control Council Law No. 10 essentially conformed to this principle. It is due to the disingenuous use of the plea of superior orders by the Nazi war criminals and the vigorous repudiation of this defense by the various military tribunals that the doctrine of the duty of absolute obedience to superior orders today stands largely discredited. The rulings have also shown, however, that the opposite view, according to which superior orders can never constitute a defense, is equally untenable. Despite the restrictive wording of Article 8 of the London Charter, the Nuremberg courts recognized that in cases of duress and error, for example, the plea of superior orders could afford a defense.[31]

The plea of superior orders was raised by the defense more frequently than any other. It was couched in various forms, of which the appeal to the legal nature of the acts committed as judged according to German law, got the most uncharitable reception. It is of the very essence of the Charter, declared the tribunal judging the so-called major war criminals, "that individuals have international duties which transcend the national obligations of obedience imposed by the individual State. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State, if the State in authorizing action moves outside its competence under international law."[32] The contention that the defendants had acted pursuant to the direct orders of Hitler, the head of State and supreme military commander, was likewise rejected. "That a soldier was ordered to kill or torture in violation of the international law of war has never been recognized as a defense to such acts of brutality, though, as the Charter here provides, the order may be urged in mitigation of the punishment. The true test, which is found in varying degrees in the criminal law of most nations, is not the existence of the order, but whether moral choice was in fact possible."[33]

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[27] Sec. 47, quoted in *Trials of War Criminals,* IV, 471–472.

[28] Quoted in Glueck, *op. cit.*, p. 152. The full opinion can be found in Georg Schwarzenberger, *International Law and Totalitarian Lawlessness* (London, 1943), Appendix 2, pp. 128–147.

[29] "A Word on the Enemy Air Terror," *Völkischer Beobachter*, May 28 and 29, 1944, quoted in *Trials of War Criminals,* XI, 168.

[30] Charter of the International Military Tribunal, Art. 8, quoted in Jackson, *op. cit.*, p. 101. Art. 6 of the Tokyo Charter for the International Military Tribunal for the Far East uses almost identical language.

[31] *Cf.* Dunbar, *op. cit.*, p. 251; Günter Stratenwerth, *Verantwortung und Gehorsam: Zur strafrechtlichen Wertung hoheitlich gebotenen Handelns* (Tübingen, 1958), p. 41.

[32] *I.M.T. Judgment*, p. 53.

The rule here suggested is somewhat ambiguous, for even the soldier faced with death, if he disobeys a criminal order, has a moral choice, *i.e.*, between accepting his own punishment or harming an innocent party.[34] But an examination of the full record of the proceedings leaves no doubt as to what was intended. The real purpose, as Telford Taylor explained in the *High Command Case*, was to protect those "whose opportunity for reflection, choice, and the exercise of responsibility is non-existent or limited."[35] In a modern military organization everyone is subject to orders. Yet whereas one can hardly expect a private soldier, drafted into the armed forces and ignorant of the law of war, to screen the orders of superiors for questionable points of legality, the same excuse is not available to those in responsible positions, whose duty it is to ensure the preservation of honorable military traditions. Moreover, most of the defendants, part of the hard core of the Nazi party or SS, could not claim in good faith that they had been unaware of Hitler's criminal plans. As the judgment in *The Einsatzgruppen Case* put it: "The sailor who voluntarily ships on a pirate craft may not be heard to answer that he was ignorant of the probability he would be called upon to help in the robbing and sinking of other vessels."[36] The defendants, far from acting under duress, had shared the ideological goals of the *Führer*. They could and had opposed orders when they did not agree with them, but they were unable to produce any evidence of an attempt to disengage themselves from the catastrophic assignments for which they were being judged at Nuremberg. Quite the contrary, many of the most hideous crimes had been committed on the accuseds' own initiative.

The tribunals recognized that a defendant might legitimately claim ignorance of the illegality of an order not criminal upon its face. "We are of the view," declared the tribunal in *The Hostage Case*, "that if the illegality of the order was not known to the inferior, and he could not reasonably have been expected to know its illegality, no wrongful intent necessary to the commission of a crime exists and the inferior will be protected."[37] But this was not the situation of most of the accused Nazis. Otto Ohlendorf, for example, commanding officer of one of the notorious *Einsatzgruppen*, admitted that, on the basis of an order, he and his troop had executed more than 90,000 "undesirable elements composed of Russians, Gypsies, and Jews and others."[38] He stated further: "The order, as such, even now I consider to have been wrong, but there is no question for me whether it was moral or immoral, because a leader who has to deal with such serious questions decides from his own responsibility and this is his responsibility and I cannot examine and [can] not judge. I am not entitled to do so."[39] The court concluded that in view of this acknowledged unwillingness to exercise moral judgment the plea of superior orders was unavailable. "The obedience of a soldier is not the obedience of an automaton. A soldier is a reasoning agent. He does not respond, and is not expected to respond, like a piece of machinery. . . . To plead superior orders one must show an excusable ignorance of their illegality."[40] This might be the case, for example, when an officer executes an order in the belief that it constitutes a justifiable reprisal against unlawful methods of warfare employed by the enemy.[41]

The legal principles established by the war crimes trials have come in for a good deal of criticism, and this has included their basic thesis that international law imposes duties and obligations upon individuals and that these therefore can be punished for war crimes committed under orders of a sovereign state or their military superiors. The law of warfare, like all international law, is held to be addressed to states and not individuals. So one critic writes:

> International law is not in position to protect individuals, wherever they may be, against a domestic law which is illegal from the point of view of international law. According to general legal principles, it therefore cannot expect the individuals to expose themselves to such a risk. For the individual, always and everywhere, national law precedes international law. He has to obey the national law even where it compels him to violate international law.[42]

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[33] *Ibid.*, pp. 53–54.

[34] For a good discussion of this point see Morris Greenspan, *The Modern Law of Land Warfare* (Berkeley and Los Angeles, 1959), pp. 493–95.

[35] *Trials of War Criminals*, XI, 373.

[36] *Ibid.*, IV, 473.

[37] *Ibid.*, XI, 1236.

[38] *Ibid.*, IV, 134.

[39] *Ibid.*, IV, 303.

[40] *Ibid.*, IV, 470, 473.

[41] *Cf.* United Nations War Crimes Commission, *Law Reports of Trials of War Criminals* (London, 1947), XI, 25–27.

[42] August von Knieriem, *The Nuremberg Trials*, trans. Elizabeth D. Schmitt (Chicago, 1959), p. 47. The same point is stressed by Hellmuth von Weber, "Die strafrechtliche Verantwortlichkeit für Handeln auf Befehl," *Monatsschrift für Deutsches Recht*, Vol. 2 (1948), pp. 34–42.

According to this view, no soldier has an unqualified duty to disobey as long as states exist with a sovereignty of their own and the community of nations is unable to shield a citizen who wants to obey international law rather than the law or orders of his own government.

Given this strong current of criticism—which is not limited to German scholars[43]—the question whether the law of the war crimes trials is international law would seem to be still open. The action of the General Assembly of the United Nations on December 11, 1946, affirming the principles of international law recognized by the Charter of the Nuremberg Tribunal, certainly does not establish the identity of these principles with international law.[44] The International Law Commission, cognizant of this fact, in its 1950 report merely *formulated* the principles of international law recognized in the Charter and judgment of the Nuremberg Tribunal. It did not evaluate them, realizing that their legal validity has yet to be proven by general acceptance and consent evidenced by conduct.

The need for common agreement on the status of the plea of superior orders is clear: "The cause of humanity and of the development of international law demands that license to commit atrocities shall not indirectly be conferred upon members of the armed forces by permitting the latter to take shelter under the canopy of superior orders."[45] While army regulations are not competent sources of international law, the fact that practically all military codes today follow the Nuremberg doctrine on this matter is to be welcomed as a step in this direction and is of evidential value in determining the existence of usage and practice, an important stage in the crystallization of the customary law of war. The rulings of the Nuremberg trials on the plea of superior orders, in view of the hurried changes introduced in the military codes of the United Nations in 1944, were open to the objection of retroactivity. Given the consensus existing today, it will be difficult to make this same charge in the future.

The most recent edition of the American *Law of Land Warfare* reads as follows:

> The fact that the law of war has been violated pursuant to an order of a superior authority, whether military or civil, does not deprive the act in question of its character as a war crime, nor does it constitute a defense in the trial of an accused individual, unless he did not know and could not reasonably have been expected to know that the act ordered was unlawful. In all cases where the order is held not to constitute a defense to an allegation of war crime, the fact that the individual was acting pursuant to orders may be considered in mitigation of punishment.[46]

The 1958 edition of the British *Laws of War on Land* is even more far-reaching and entirely rules out acceptance of the plea of superior orders as a defense. Art. 627 provides that "obedience to the order of a government or of a superior, whether military or civil, or to a national law or regulation, affords no defense to a charge of committing a war crime but may be considered in mitigation of punishment."[47] An attached note points out that no mitigating factor will be recognized in the case of military commanders at the highest level of the military hierarchy. "Far from being irresistibly compelled to obey unlawful orders they are in a position, by a refusal to obey them, to arrest or prevent their operation."[48] Following Bacon's maxim that "urgent necessity no matter how grave is no excuse for the killing of another," the *Manual* provides that even peril of death does not remove criminal responsibility for the taking of innocent life.[49]

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[43] Percy E. Corbett, for example, in his *Law and Society in the Relations of States* (New York, 1951), p. 232, argues that the Nuremberg tribunal has ignored "the long and undecided doctrinal debate on the question whether, and how far, the individual is subject to rights and duties under the law of nations. It was also ignoring the negative trend of practice, in which recognition of the international personality of the individual hitherto has certainly been exceptional." See also Hans Kelsen's article "Will the Judgment of the Nuremberg Trial Constitute a Precedent in International Law?" *International Law Quarterly*, Vol. 1 (1947), pp. 153–171.

[44] *Cf.* Hans-Heinrich Jescheck, "Die Entwicklung des Völkerstrafrechts nach Nürnberg," *Schweizerische Zeitschrift für Strafrecht*, Vol. 72 (1957), pp. 217–248.

[45] Dunbar, *op. cit.*, p. 261.

[46] *U. S. Law of Land Warfare* (1956). Art. 509(a), p. 182. Art. 330b (1) of the *Law of Naval Warfare* (1955) uses practically identical language. *Cf.* Robert W. Tucker, *The Law of War and Neutrality at Sea* (Washington, D. C., 1957), pp. 374–375.

[47] *British Law of War* (1958), Art. 627, p. 176.

[48] *Ibid.*, Art. 627, n. 2(f), p. 177.

[49] *Ibid.*, Art. 629, p. 177. The English law on the question of duress is more stringent than the Nuremberg trials. The judgment in *The Einsatzgruppen Case*, handed down by a panel of American judges, had asserted that "there is no law which requires that an innocent man must forfeit his life or suffer serious harm in order to avoid committing a crime." *Trials of War Criminals*, IV, 480.

The relevant provisions of the new military code of the German Federal Republic are based upon Article 25 of the Basic Law (*Grundgesetz*), according to which "the general rules of international law shall form part of federal law. They shall take precedence over the laws and create rights and duties directly for the inhabitants of the federal territory."[50] Military superiors must make sure that their orders conform to international law,[51] and the subordinate is not guilty of insubordination if an order violates human dignity. "An order may not be executed if obedience to it would constitute a crime or transgression."[52] A subordinate who fails to obey an order because of the mistaken belief that its execution would bring about a crime or transgression is not liable to punishment, if he cannot be blamed for the error.[53] The military code of the new West German army, one can readily see, leans over backward in order to accommodate the individual soldier and to prevent a return to the Nazi dogma of unquestioning obedience to orders.

The military law of the Soviet Union stresses the duty of instant obedience to orders but grants servicemen "the right to make complaints about illegal actions and orders of commanders."[54] A soldier carrying out the unlawful order of a superior "incurs no responsibility for the crime, which is that of the officer, except where the soldier fulfills an order which is clearly criminal, in which case the soldier is responsible with the officer who issued the order."[55] After surveying the relevant provisions of many other national military codes one student of the subject comes to the conclusion that the principle of unconditional obedience and of complete freedom from responsibility for superior orders has all but disappeared today.[56]

International lawyers speak of a custom "when a clear and continuous habit of doing certain actions has grown up under the aegis of the conviction that these actions are, according to International Law, obligatory or right."[57] Since the teachings of the most highly qualified jurists of the various nations can be regarded as a subsidiary source of international law,[58] we may turn to them in order to ascertain the existence of such a conviction. Such an examination reveals that practically all writers do indeed approve of the recent formulations which deny that the plea of superior orders constitutes an absolute defense to a clearly criminal act. Even authors critical of the way the Nuremberg Courts handled this issue and sceptical about the principle of individual responsibility agree that in cases of certain atrocious orders obviously incompatible with the laws of war the duty of obedience ceases and the subordinate will commit a crime if he carries out the order.[59] The same view is held by Lauterpacht, the most recent editor of Oppenheim, on whose teaching, as we have seen, the contemporary British *Manual* is based.[60] And Dunbar maintains flatly that this rule today "may properly be regarded as forming part of international law."[61]

All authorities stress that the plea of superior orders can be rejected only when the illegality of the act is manifest or if the subordinate could and should reasonably have known that the act ordered was unlawful. This means that the disputed character of some of the laws of war has a direct bearing on the question of superior orders. "If it is true," writes Lauterpacht, that "the obviousness and the indisputability of the crime tend to eliminate one of the possible justifications of the plea of superior orders, then the controversial character of a particular rule of war adds weight to any appeal to superior orders."[62] Does the legality of nuclear weapons, then, fall into this category of controversial precepts of the international law of war?

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[50] Quoted in Herbert W. Briggs, *The Law of Nations* (2d ed.; New York, 1952), p. 58.

[51] *Soldatengesetz und Verordnungen über die Regelung des militärischen Vorgesetztenverhältnisses* (erläutert von Werner Scherer) (Berlin, 1956), Art. 10(4), p. 4.

[52] *Ibid.*, Art. 11, pp. 4–5.

[53] *Wehrstrafgesetz* (mit Erläuterungen von Gotthard Frhr. von Richthofen), (Cologne-Berlin, 1957), Art. 22, p. 44.

[54] Disciplinary Code of the Armed Forces of the USSR (1946), Art. 96, quoted in Harold J. Berman and Miroslav Kerner, eds. and trans., *Documents on Soviet Military Law and Administration* (Cambridge, Mass., 1955), p. 70.

[55] V. M. Chkhikvadze, *Sovetskoe Voenno-Ugolovnoe Prava* [Soviet Military Criminal Law] (Moscow, 1948), pp. 198–199, quoted in Greenspan, *op. cit.*, p. 491.

[56] Stratenwerth, *op. cit.*, pp. 28–40.

[57] L. Oppenheim, *International Law: A Treatise*, vol. I (8th ed. by H. Lauterpacht; London, 1955), p. 26, hereafter cited as Oppenheim-Lauterpacht, I (8th ed., 1955).

[58] The statute of the International Court of Justice speaks of the writings of eminent publicists in this sense. *Cf. ibid.*, 33.

[59] So von Knieriem, for example: "If in a territory behind the front line, a local commander orders a Massacre of the Innocents, or if he orders all Jewish civilians of the district of occupation to be shot for the exclusive reason that they are Jews, nobody will believe that such acts could be justified by the laws of war, even though the harshest necessities of war be taken into account. If a subordinate ever receives such an order, he knows that it aims at a crime and nothing but a crime and all conditions of the duty of obedience are removed" (*op. cit.*, p. 244).

[60] *Cf.* Oppenheim-Lauterpacht, II (7th ed., 1952), 568–572.

[61] Dunbar, *op cit.*, p. 252.

II. THE LEGALITY OF NUCLEAR WEAPONS

The question of the legality of nuclear weapons has received surprisingly scant attention from international lawyers. This may be due to a feeling of futility on the part of men who know that the employment of new and decisive weapons or methods of warfare has never yet yielded to considerations of humanity and that the decision whether to use or not to use nuclear weapons most probably will be made on military or political (including moral), but not on legal grounds. There is also the disappointing status of fifteen years of negotiations designed to bring about an end to the nuclear arms race, an attempt which, as Lauterpacht points out, "is not likely to receive a notable accession of strength from controversial assertions as to the present illegality of the use of the atomic weapon either in general or against the civilian population."[63]

Since nuclear bombs had not as yet been invented when most of the existing conventions regulating the methods of warfare were drawn up, no explicit conventional law presently exists regarding the legality of these weapons. The American *Law of Land Warfare* concludes, therefore, that nuclear weapons are legal or at least not illegal. "The use of explosive 'atomic weapons,' whether by air, sea or land forces, cannot as such be regarded as violative of international law in the absence of any customary rule of international law or international convention restricting their employment."[64] Yet it is doubtful that the absence of an express international agreement or customary rule is as decisive as this formulation would make it appear. This is recognized by the British *Manual* which declares that, lacking a rule of international law dealing specifically with nuclear weapons, "their use . . . is governed by the general principles laid down in this chapter [on the means of carrying on war]."[65] These include the principle that the means employed in weakening the enemy's power of resistance are not unlimited and that "there are compelling dictates of humanity, morality, civilization and chivalry, which must not be disregarded."[66] For a more detailed discussion the reader of the *Manual* is referred to the 7th edition of Oppenheim's treatise edited by Lauterpacht. The latter, in turn, suggests that the question be judged by reference "(a) to existing international instruments relating to the limits of the use of violence in war; (b) to the distinction, which many believe is fundamental, between combatants and non-combatants; and (c) to the principles of humanity, which, to some degree, must be regarded as forming part of the law of war."[67] We will follow Lauterpacht's suggestion and build our discussion around these three criteria.

International Agreements Limiting the Use of Violence. Article 23 (e) of the Hague Convention No. IV regulating land warfare (Oct. 18, 1907) prohibits resort to "arms, projectiles, or material calculated to cause unnecessary suffering."[68] All the major powers, including the United States, are a party to this convention. Given the horrible character of nuclear heat and radiation injuries, it may be thought that nuclear weapons violate the rule against the infliction of "unnecessary suffering." In practice, however, the line between necessary and unnecessary suffering has been drawn in a way hardly suggested by the humanitarian spirit of the Hague Convention. The criterion has normally been whether a weapon inflicts suffering disproportionate to the military advantage to be gained by its use,[69] and this has meant that no militarily decisive weapon has ever been regarded as causing superflous injury, no matter how painful the suffering resulting from its use. "The legality of hand grenades, flamethrowers, napalm and incendiary bombs in contemporary warfare," notes Schwarzenberger, "is a vivid reminder that suffering caused by weapons with sufficiently large destructive potentialities is not 'unnecessary' in the meaning of this rule."[70] Since nuclear weapons are notoriously potent and destructive, their use would seem unaffected by the prohibition of "unnecessary suffering."

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[62] H. Lauterpacht, "The Law of Nations and the Punishment of War Crimes," *British Year Book of International Law,* XXI (1944), 58–95.

[63] "The Problem of the Revision of the Law of War," *Ibid.,* XXIX (1952), 370.

[64] *U. S. Law of Land Warfare* (1956), Art. 35, p. 18.

[65] *British Law of War* (1958), Art. 113, p. 42.

[66] *Ibid.,* Art. 107, p. 40.

[67] Oppenheim-Lauterpacht, II (7th ed., 1952), 347–348.

[68] U. S. Department of the Air Force, *Treaties Governing Land Warfare* (Washington, D. C., 1958), p. 12, hereafter cited as *U. S. Treaties on Land Warfare* (1958).

[69] *Cf.* Richard R. Baxter, "The Role of Law in Modern War," *Proceedings of the American Society of International Law,* Vol. 47 (1953), p. 91.

That the law is interpreted in this way is brought out by the American *Law of Land Warfare* which accepts the illegality of "lances with barbed heads, irregular-shaped bullets, and projectiles filled with glass,"[71] but sees nothing wrong with atomic bombs. Indeed, carrying the argument several steps further, it has been suggested that atomic warfare may be more humane than a prolonged conflict fought with inefficient weapons, for it will shorten the war and therefore bring about a return to peace with the least amount of general suffering.[72] This doctrine, originally developed by German military leaders like Moltke and von Hindenburg, is one which Western writers rejected until the use of the atomic bomb against Japan in World War II gave it some respectability. It is clear that, quite apart from the possibility that an all-out nuclear war may not leave any humanity to enjoy the restoration of peace,[73] the acceptance of this line of reasoning would mean the formal end of the entire international law of war.

The argument that nuclear weapons violate the prohibition of the use of poison seems considerably stronger. Article 23 (a) of Hague Convention No. IV forbids the employment of poison or poisoned weapons and this rule today is regarded as so basic to the practice of civilized nations as to be part of international customary law. This means that the resort to poison would not be legal even in a war in which not all of the belligerents were parties to the Hague Convention, thus overcoming the *si omnes* or "all-participation clause" of the agreement. Poison, in contemporary usage, means any substance which "when introduced into, or absorbed by, a living organism destroys life or injures health."[74] Since all nuclear devices, including the so-called "clean bomb," result in some radioactive fall-out which when introduced into the human body in sufficiently large doses, is harmful if not fatal, Schwarzenberger concludes that "a *prima facie* case appears to exist for regarding the use of nuclear weapons as incompatible with the prohibition of the use of poison."[75] There is also the fact that the explosion of bombs yielding large amounts of fission energy causes radioactive contamination over very wide areas and thus would poison the water supply as well as crops. Such measures are expressly forbidden by the military codes of all nations.[76]

It can also be argued that nuclear weapons are unlawful because they are an analogue of gas and bacteriological warfare and thus in violation of still another species of the genus "poison." That high fission content bombs are, in effect, weapons of radiological warfare is undisputed.[77] But even "cleaner" bombs release atomic clouds and gas bubbles which would seem to bring them within the prohibitions of the Geneva Gas Protocol of 1925, which forbids "the use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices." This agreement binds over forty states, including Great Britain and the Soviet Union. The U.S.A., after signing the Protocol, did not ratify it, and, according to the *Law of Land Warfare*, the United States expressly reserves the right to resort to gases, chemicals and bacteriological warfare.[78] It is generally accepted, however, that the prohibitions of the Geneva Gas Protocol, one agreement in a succession of conventions outlawing deleterious gases, today are declaratory of international customary law and thus binding on all states.[79] This, then, is another link in the chain of legal provisions which seems to spell the illegality of nuclear warfare even if directed against undoubted military objectives. If we add the long-range somatic and genetic effects which these weapons produce in their victims, it may also be considered within the orbit of biological warfare "which has been condemned by the conscience of mankind"[80] no less emphatically than poison gas and chemical warfare.

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[70] Georg Schwarzenberger, *The Legality of Nuclear Weapons* (London, 1958), p. 44, hereafter cited as Schwarzenberger, *Legality*. My discussion of the legal aspects of nuclear warfare leans extensively upon Schwarzenberger's succinct analysis.

[71] *U. S. Law of Land Warfare* (1956), Art 34, p. 18.

[72] *Cf.* Phillips, *op. cit.*, note 3 above, p. 409.

[73] Edward Teller wrote in 1947 that an atomic war fought with greatly perfected weapons might "endanger the survival of man," "How Dangerous are Atomic Weapons?", *Bulletin of the Atomic Scientists*, Vol. 3 (1947), p. 36. This was written before the coming of the hydrogen bomb. The Nobel Prize-winning nuclear physicist Otto Hahn has stated since that 10 powerful H-bombs, surrounded with a heavy coat of cobalt, could jeopardize the continued existence of the human race, no matter where dropped. "Cobalt 60: Gefahr oder Segen für die Menschheit?", *Frankfurter Allgemeine Zeitung*, February 19, 1955, and this estimate has been accepted by other scientists. For the view that human life on earth can not *as yet* be terminated see Ralph E. Lapp, *The New Force: The Story of Atoms and People* (New York, 1953), p. 97.

[74] *Shorter Oxford Dictionary*, quoted in Schwarzenberger, *Legality*, p. 27.

[75] *Ibid.*, p. 28. See also the detailed analysis in Nagendra Singh, *Nuclear Weapons and International Law* (New York, 1959), pp. 155–162, which leads to the same conclusion. For an authoritative discussion of radiation injuries see U. S. Armed Forces Special Weapons Project, *The Effects of Nuclear Weapons* (Washington, D. C., 1957), chap. xi, hereafter cited as *Effects of Nuclear Weapons* (1957).

[76] *Cf. U. S. Law of Land Warfare* (1956), Art. 37(b); *British Laws of War* (1958), Art. 112.

[77] *Cf. Effects of Nuclear Weapons* (1957), p. 428.

The Distinction Between Combatants and Non-Combatants. The distinction between combatants and non-combatants is generally regarded "as being of the essence of the law of war"[81] and as perhaps the greatest triumph of international law. It is here, in respect to one of the most fundamental aspects of the traditional law of war, that modern total war has scored its most far-reaching victory. Indeed, as Lauterpacht states, "there are many who believe that the advent of aircraft and aerial bombing has . . . obliterated the distinction between combatants and non-combatants."[82] The same result, others maintain, may have been achieved by the mechanization of warfare which requires the mobilization and productive effort of virtually the total working population, thus undermining the principle of civilian immunity. The advent of nuclear warfare, in this respect, has merely continued a trend the beginning of which can be traced to World War I and which reached an apex in the aerial bombardments of World War II.

Prior to the outbreak of the Second World War a number of attempts were made to establish an authoritative code of air warfare. The most important of these was the draft drawn up by a conference of jurists, convoked by the governments participating in the Washington Conference, that met at The Hague from December 1922 to February 1923. This commission embodied its findings in a convention which allowed the bombing of military forces, military establishments and factories engaged in war production (Art. 24/2) but forbade aerial bombardment for the purpose of terrorizing the civilian population (Art. 22). The general principle followed was that air attacks are "legitimate only when directed at a military objective—that is to say, an object of which the destruction or injury would constitute a distinct military advantage to the belligerent" (Art. 24/1).[83] The draft convention was never officially accepted by the great powers, but even its ratification would probably have done little to change the nature of air warfare. For in World War II the destruction of the enemy's capacity to make war came to include the breaking of the morale of his labor force. Civilians thus became a military objective and the bombing of their cities came to constitute an allegedly legitimate military purpose.

In the absence of a conventional instrument regulating the conduct of hostilities in and from the air, although not necessarily causally related to it, air warfare in World War II soon outran all considerations of humanity. The savage German air attacks on Warsaw, Rotterdam and Belgrade could still be rationalized as siege bombardments in support of the operations of ground forces. But both sides soon went over to the strategic offensive, which clearly violated the commitment made prior to the outbreak of hostilities to refrain from the bombardment "of any except strictly military objectives in the narrowest sense of the word."[84] As the war dragged on the notion of "military objective" was enlarged to such an extent that it largely lost its original purpose.

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[78] *U. S. Law of Land Warfare* (1956), Art. 38.

[79] Oppenheim-Lauterpacht, II (7th ed., 1952), 344; Stone, *op. cit.*, p. 556. F. D. Roosevelt, speaking of "poisonous or noxious gases or other inhumane devices of warfare," stated in 1943 that "the use of such weapons has been outlawed by the general opinion of civilized mankind" and that the United States would never resort to these weapons unless in retaliation for prior use by the enemy; quoted in Alexander N. Sack, "ABC—Atomic, Biological, Chemical Warfare in International Law," *Lawyers' Guild Review*, Vol. 10 (1950), p. 167. This statement raises the interesting but unanswerable question whether F. D. R. would have authorized the use of the atomic bomb on two densely populated Japanese cities. He had ordered its development to forestall a German effort and might have kept it in reserve, as gas was. *Cf.* J. M. Spaight, *The Atomic Problem* (London, 1948), p. 41.

[80] Oppenheim-Lauterpacht, II (7th ed., 1952), p. 348. See also Spaight, *Atomic Problem*, pp. 23–25; Greenspan, *op. cit.*, pp. 374–375.

[81] Oppenheim-Lauterpacht, II (7th Ed., 1952), p. 350.

[82] *Loc. cit.* See also Lester Nurick, "The Distinction between Combatants and Noncombatants in the Law of War," *American Journal of International Law*, Vol. 39 (1945), p. 680, and Charles G. Fenwick's comments on William G. Downey's paper "Revision of the Rules of Warfare" in *Proceedings of the American Society of International Law*, Vol. 43 (1949), p. 110.

[83] Quoted in Arthur L. Goodhardt, *What Acts of War are Justifiable?* (Oxford, 1940), p. 16. The complete draft convention is reproduced in Spaight, *Air Power* (1947), pp. 498–508.

In a speech before the House of Commons on June 21, 1938, Prime Minister Chamberlain had condemned as "absolutely contrary to international law" the policy of trying "to win a war by demoralizing the civilian population through a process of bombing from the air."[85] In practice it soon became almost impossible to distinguish the effects of the bombing of cities aiming at the destruction of factories and centers of communication from those of bombing for purposes of terror.[86] The distinction became further obscured by the switch, necessitated by the intensification of defensive measures, from day-time precision to night-time area bombing, which both camps made as early as 1940. At the beginning of 1942, the British Bomber Command was given the explicit directive of attacking the principal industrial cities of the Ruhr, the operations to be "focussed on the morale of the enemy civil population and in particular of the industrial workers."[87] And in January 1943 the combined Chiefs of Staff at the Casablanca Conference authorized an enlarged scale of air attacks against Germany, with its primary objective "the destruction and dislocation of the German military, industrial and economic system and the undermining of the morale of the German people."[88] The shattering of morale, according to this policy statement, was to be a by-product of crippling the enemy's war machinery. In reality, when entire cities were attacked with high explosives and incendiary bombs the destruction of armament factories and communication networks was achieved almost incidentally to the wholesale destruction of civilian life and the spreading of terror.[89] Indeed, German war production was not seriously impaired by these attacks until the Allies, especially the Americans, began precision bombing of the German transportation system and the production centers of oil.[90]

The belated realization by the military experts that morale bombing is a very slow and inefficient method of breaking the enemy's ability and will to resist is, of course, not likely to help matters in a future war, for even a small atomic bomb will do an immensely more thorough job of destruction than ordinary explosives.[91] This was demonstrated by the use of two such bombs against Japan in 1945, which achieved the Japanese surrender in a few days. The terror effect, according to all accounts, was no less important than the actual devastation caused. The fact that the combined result of the American blockade and bombing offensive had already seriously undermined Japan's willingness to stay in the war and might have led to a surrender even without an invasion[92] is important in assessing the wisdom, moral justification, and legality of using the first atomic bomb, but does not affect the point we are making here.

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[84] This promise was made by Britain and France in response to an appeal by Roosevelt on September 1, 1939. Hitler had agreed to abide by the same commitment. *Cf.* Georg Schwarzenberger, *Power Politics: A Study of International Society* (2d ed.; London, 1951), p. 548.

[85] Quoted in Spaight, *Air Power* (1947), p. 257.

[86] *Cf.* Myres S. McDougal and Florentino P. Feliciano, "International Coercion and World Public Order: The General Principles of the Law of War," *Yale Law Journal*, Vol. 67 (1957–58), p. 833.

[87] Lord Tedder, *Air Power in War* (London, n.d. [1948]), p. 98. Sir Arthur Harris related that when he became Commander-in-Chief of Bomber Command in February 1942, "the main and almost only purpose of bombing was to attack the morale of the industrial workers." *Bomber Offensive* (New York, 1947), p. 76.

[88] Quoted in U. S. Strategic Bombing Survey, *Over-all Report* (*European War*) (n.p., 1945), p. 3.

[89] The British raids on Hamburg in July and August 1943, for example, destroyed seventy-five per cent of the city and killed between 70,000 to 100,000 people, most of them being burnt to death. The Allied attack on Dresden in February 1945 is supposed to have caused more than 100,000 fatal casualties, many of them refugees from the Russian advance in the East. There is room for the view that many German and Japanese cities suffered as grievously and on as great a scale as Hiroshima and Nagasaki. The number killed by the German bombing of Great Britain throughout the war is given as 60,585. Spaight, *Air Power* (1947), p. 29. Needless to say this discrepancy is not due to the greater sense of humanity on the part of the German military leaders but mainly to the weakness of the Luftwaffe.

[90] That morale bombing failed to achieve the expected results is admitted by the U. S. Strategic Bombing Survey. See also the discussion of P. M. S. Blackett, *Fear, War and the Bomb: Military and Political Consequences of Atomic Energy* (New York, 1948), p. 22.

[91] According to one American student of Soviet strategy, the primary objective of Soviet "military operations is the destruction of hostile military forces, and not the annihilation of the economic and population resources of the enemy." *Cf.* Raymond L. Garthoff, *Soviet Strategy in the Nuclear Age* (New York, 1958), p. 71. Since the dominant view in the United States, however, seems to be that a future war can be won by disrupting the enemy's capacity and will to fight, *i. e.*, by concentrating on attacking his economic and population centers, Soviet strategy is unlikely to remain as planned and undoubtedly will become one of retaliation in kind.

The important truth is that nuclear weapons have a destructive action many thousands of times more powerful than the largest TNT bombs and therefore have proven highly effective as a morale buster where old explosives failed. Aerial bombing with conventional bombs, as the precision bombing of Germany in the last stage of the Allied air offensive demonstrated, could still make some distinction between combatants and non-combatants, if the will to do so was present and the opposition weak. Nuclear explosives delivered from the air on urban centers are probably inherently incapable of being used in this selective manner. If so they would violate one of the basic premises of the international law of war.[93]

In order to disprove this conclusion one would have to deny that there are any non-combatants left in modern total war—a rather difficult task. While it may be possible to argue that in a modern war civilian laborers employed in armament production are no longer genuine civilians but quasi-combatants,[94] the same can hardly be said for infants, the old and sick, or those employed in outright civilian work and living outside important target areas. Even in today's total war countries still have non-combatants like piano tuners, insurance agents, bookkeepers, hospital and prison inmates. And if it be maintained that even these serve the war effort, however indirectly, one will have to deny non-combatant status also to children for they too have "war potential," write letters of encouragement to their brothers and fathers and in a long war will eventually bear arms.[95]

The most powerful bombs of World War II took out city blocks, the atomic bomb of the Hiroshima type destroys cities, the big hydrogen superbomb can devastate a metropolitan area and, if "dirty," make much of the surrounding countryside uninhabitable for a considerable time. A 10 megaton bomb packs an explosive energy more than three times as great as that of all the bombs used in the Second World War.[96] Whatever legal objections arise against aerial bombardment with atomic bombs are therefore all the more pertinent with regard to hydrogen bombs. Such a bomb not only could not discriminate between combatants and non-combatants, but might spread radioactive effects over neutral countries. The area of devastation and contamination resulting from several thermo-nuclear weapons would be so large that it would probably be impossible to protect the wounded and captured members of the armed forces, whose humane treatment and safety is reaffirmed in the Geneva Convention of 1949.[97] If a weapon is powerful enough to obliterate completely the distinction between civilians and combatants and to injure neutral states, Nagendra Singh concludes, its use "must be considered a violation of international law and, if it involves the killing of innocent neutrals, a clear war crime."[98]

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[92] Based on a detailed investigation of all the facts, the U. S. Strategic Bombing Survey expresses the opinion "that certainly prior to 31 December 1945, and in all probability prior to 1 November 1945, Japan would have surrendered even if Russia had not entered the war, and even if no invasion had been planned or contemplated." *Summary Report, Pacific War* (Washington, D. C., 1946), p. 26. See also Paul Kecskemeti, *Strategic Surrender: The Politics of Victory and Defeat* (Stanford, 1958), ch. 6, and Robert J. C. Butow, *Japan's Decision to Surrender* (Stanford, 1954).

[93] *Cf.* Singh, *op. cit.*, p. 193; Oppenheim-Lauterpacht, II (7th ed., 1952), 349. The same would probably hold true for target area saturation bombing with conventional explosives. *Cf.* Eberhard Spetzler, *Luftkrieg und Menschlichkeit: Die völkerrechtliche Stellung der Zivilpersonen im Luftkrieg* (Göttingen, 1956), p. 290. For the opposite view see J. M. Spaight, *Bombing Vindicated* (London, 1944), p. 98.

[94] Stone, *op. cit.*, p. 631.

[95] This point is well made by John C. Ford, S.J., "The Morality of Obliteration Bombing," *Theological Studies*, Vol. 5 (1944), p. 276–285.

[96] "If a 10-meg. H-bomb 'clean' or 'dirty' should be dropped," writes Noel-Baker, "everything would be destroyed by blast or burnt, and few human beings would survive, within a circle of more than twenty miles across." *The Arms Race: A Programme for World Disarmament* (London, 1958), p. 135. "A 30-megaton bomb," according to Jack Shubert and Ralph E. Lapp, "could spread its lethal dose over 14,000 square miles—an area equal to that of Massachusetts, Rhode Island, and Connecticut." *Radiation: What it is and How it Affects You* (New York, 1957), p. 239.

[97] *Cf.* Singh, *op. cit.*, p. 202. For the text of the conventions see *U. S. Treaties on Land Warfare* (1958), pp. 24–194.

There remains the possibility that nuclear weapons will be employed in a tactical sense, *e.g.*, against enemy combatants and military objectives like ships, airfields or fortified places. Such use, from the point of view of the protection of non-combatants at least, would not be illegal. This reasoning is accepted by the draft code for the protection of the civilian population in time of war, drawn up by the International Committee of the Red Cross in 1956. Pending the achievement of a complete ban on weapons disseminating incendiary, chemical, bacteriological and radioactive agents, the Committee proposed that the resort to these weapons be prohibited if and when their harmful effects "could spread to an unforeseen degree or escape, either in space or in time, from the control of those who employ them, thus endangering the civilian population."[99] The emphasis here is on the protection of the civilian population against uncontrollable consequences, leaving open the use of nuclear weapons when their effects can be strictly limited, *e.g.*, when attacking a warship on the high seas. Whether the distinction between the tactical and strategic use of nuclear weapons could be maintained in an actual war situation is an unresolved question outside the scope and competence of this discussion, crucial though it may prove to be.

The Principles of Humanity. Criminality under international law, the judgment in the *High Command Case* declared, may arise not only because an act is forbidden by international agreements, but also when it "is inherently criminal and contrary to accepted principles of humanity as recognized and accepted by civilized nations."[100] This finding was based on Article 6 (c) of the Charter of the International Military Tribunal and the corresponding clause in Control Council Law No. 10 which made crimes against humanity, along with crimes against peace and war crimes in the narrow sense, punishable acts within the jurisdiction of the military tribunals. The phrase "accepted principles of humanity," in turn, was derived from the preamble of Hague Convention No. IV, the Martens Clause. This preamble, asserted the tribunal in the *Krupp Case,* was "much more than a pious declaration"; it was "the legal yardstick to be applied if and when the specific conventional provisions of the Convention and the regulations annexed to it do not cover specific cases occurring in warfare, . . . "[101] Our question here is whether the destruction and suffering inflicted on the civilian population by nuclear weapons pass, in the terminology of Justice Jackson, "in magnitude or savagery any limits of what is tolerable by modern civilizations," and thus make resort to these weapons a crime against humanity.

The military codes of the Western nations today accept the principle of individual responsibility for crimes against humanity.[102] Nevertheless it has been criticized as being too imprecise and elastic and an invitation to abuse. According to the critics, the principle has a resemblance to Hitler's doctrine of acts contrary to sound public opinion and violates the maxim *nulla poena sine lege.*[103] The term "principles of humanity," writes Dunbar, "stands for a vague and subjective criterion liable to alter with the passing years."[104] Given the fact that wide differences exist between the moral standards and humanitarian principles adhered to by the nations of the world and in view of the lack of a single authority able to lay down and enforce authoritative and uniform interpretations of these standards, the "principles of humanity," like the notion of "justice," are held to conceal "an unchartable area of discretion."[105] It has furthermore been argued that the Martens Clause merely reaffirmed the illegality of weapons already prohibited by existing customary law, but could not be used as a source of new rules of warfare.[106]

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[98] Singh, *op. cit.*, p. 106. Robert W. Tucker, consultant to the U. S. Naval War College, writes: "There should be little doubt that, as judged by the traditional meaning given to the principles distinguishing combatants and non-combatants, the use of nuclear weapons against cities containing military objectives must be deemed illegal." *Op. cit.*, p. 55, n. 21.

[99] International Committee of the Red Cross, *Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War* (2d ed.; Geneva, 1958), Art. 14, p. 12, hereafter cited as *ICRC Draft Rules* (1958). The same conclusion is reached by Tucker, *op. cit.*, p. 55.

[100] *Trials of War Criminals*, XI, 543.

[101] *Ibid.*, IX, 1341. For a good discussion of the problems raised by this finding see Egon Schwelb, "Crimes Against Humanity," *British Year Book of International Law*, XXIII (1946), 178–226.

[102] *Cf. U. S. Law of Land Warfare* (1956), Art. 498(b); the *British Law of War* (1958), while not specifically mentioning crimes against humanity, speaks of "the compelling dictates of humanity, morality, civilization and chivalry" which must not be disregarded. Art. 107, p. 40.

[103] *Cf.* John Hartman Morgan, *The Great Assize: An Examination of the Law of the Nuremberg Trials* (London, 1948), p. 21. After World War I, a dissenting minority of the League of Nations "Commission of Fifteen" inquiring into the causes and conduct of the war concluded similarly that "a judicial tribunal only deals with existing law and only administers existing law, leaving to another forum infractions of the moral law and actions contrary to the laws and principles of humanity." Quoted in Schwelb, *British Year Book of International Law*, XXIII, 182.

[104] "The Legal Regulation of Modern Warfare," *Transactions of the Grotius Society*, Vol. 40 (1954), p. 83.

The case for the "principles of humanity" today would be stronger if the United Nations after the Second World War had applied these standards not only to the crimes of the losing side, the Axis, but to all belligerents, for brutality, inhumanity and illegality were not absent in the conduct of the winners as well. The statement made by Goering upon receiving the indictment that "the victor will always be the judge, and the vanquished the accused"[107] thus has a modicum of justification. Moreover, the victorious Allies not only limited the jurisdiction of the International Military Tribunal at Nuremberg to crimes committed by persons "acting in the interests of the European Axis countries" (Art. 6 of the Charter), but they refrained from pressing charges which involved acts also committed by the military forces of the United Nations. For example, the tribunal in sentencing Admiral Doenitz expressly excluded from consideration his orders for unrestricted submarine warfare, since both sides had resorted to this illegal practice. Similarly, the Germans were not convicted of terror bombing and other illegal methods of air warfare, even though the indictment had accused the Nazi leaders of waging war "in violation of the rules and customs of war, including . . . the indiscriminate destruction of cities, towns, and villages, and devastation not justified by military necessity."[108] The fact that both sides had waged aerial warfare with complete disregard for "the principles of humanity," which should have controlled these hostilities in the absence of more specific rules, apparently was sufficient to absolve the accused loser of these crimes. This procedure, according to one vigorous critic of the Nuremberg trials, enthroned "the novel principle that, whether a particular act was a crime or not, depended on whether the victors could be shown to have committed it."[109]

Two wrongs, Stone correctly notes, do not make one right. "The fact that guilty men on the side of the victors may have escaped does not in itself render illegitimate the punishment of the guilty on the side of the defeated."[110] But it does point up the precarious status of the "principles of humanity" which all too often become associated with what the strong desire most at any given moment. Schwarzenberger argues that the employment of "nuclear weapons of a size which precluded the protection of the civilian population in the most limited sense of the term" or their use "against the civilian population for purposes of terrorization" would be a crime against humanity.[111] The contention would have more weight if the military tribunals of the victorious Allies had not so blatantly ignored the inhumanity of these very tactics. And by an ironic and sad coincidence the news accounts of the Charter of the International Military Tribunal, which laid down the law against violations of the law recognized by civilized nations, shared the front pages of the world press with accounts of the dropping of the first atomic bomb on Hiroshima. Here were the Western Allies trying to defend civilization through means of warfare more ruthless and uncivilized than anything the world has seen since the Middle Ages.

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[105] *Cf.* Corbett, *op. cit.*, p. 268. The authorization granted the two World Courts to apply "the general principles of law recognized by civilized nations" has so far been used sparingly. *Cf.* Max Sørensen, *Les sources du Droit International: Etude sur la jurisprudence de la Cour Permanente de Justice Internationale* (Copenhagen, 1946). A currently conducted research project on this topic, reported by Rudolf B. Schlesinger in the *American Journal of International Law*, Vol. 51 (1957), pp. 734–753, apparently does not include the law of war.

[106] *Cf.* Schwarzenberger, *Legality*, pp. 7–11.

[107] G. M. Gilbert, *Nuremberg Diary* (New York, 1947), p. 4.

[108] Quoted in Jackson, *op. cit.*, p. 101. During the war, the Nazis had allowed and encouraged the lynching of Allied "terror fliers." In 1952 a German court ruled that since the Allied "bomb attacks against the civil population violated the Hague convention and possibly were crimes against humanity," the killing of a captured U. S. airman by storm troopers in 1944 had not been murder but manslaughter. *New York Times*, November 16, 1952, p. 30. The Japanese formally tried and executed a considerable number of Allied airmen for bombing the civilian population. See Charles Cheney Hyde, "Japanese Executions of American Aviators," *American Journal of International Law*, Vol. 37 (1943), pp. 480–482, and R. B. Pal, *International Military Tribunal for the Far East: Dissentient Judgement* (Calcutta, 1953), pp. 675–693. Judge Pal holds these trials to have been legal under international law.

[109] F. J. P. Veale, *Advance to Barbarism: How the Reversion to Barbarism in Warfare and War-Trials Menace Our Future* (2d ed.; Appleton, Wis., 1953), p. 169.

[110] Stone, *op. cit.*, p. 326.

[111] Schwarzenberger, *Legality*, p. 45.

Lauterpacht seems to go back to rationalizations produced about Hiroshima and Nagasaki when he entertains the possibility that the use of nuclear weapons might be legal against "an aggressor intent upon dominating the world" and imperilling the "ultimate values of society." In such a case the threatened nations "might consider themselves bound to assume the responsibility of exercising the supreme right of self-preservation in a manner which, while contrary to a specific prohibition of International Law, they alone deem to be decisive for the ultimate vindication of the law of nations."[112]

Schwarzenberger deems this argument so obviously mistaken as hardly to require refutation. He has on his side the firmly established principle that the laws of war bind all parties to a conflict, irrespective of the justice of their cause, and are not to be violated even in self-defense. "It is an essence of war," declared the military tribunal in the *Milch Case*, decided in 1947, "that one or the other side must lose and the experienced generals or statesmen knew this when they drafted the rules and customs of land warfare."[113] Military necessity or the necessities of war ordinarily do not excuse a violation of these rules.[114] Even if one were to grant that states have the highly controversial right of violating otherwise undeniable duties under international law in title of self-preservation,[115] this would not necessarily legitimize the use of illegal weapons against an aggressor if alternative ways of repelling the attack were available. As long as the major powers still have military forces equipped with conventional armaments, the resort to these weapons, unless in a strike-back after receiving a nuclear attack, probably could not be considered legitimate since it would not be the only possible method of defending their existence.[116] The plea of acting for the purpose of self-preservation under these circumstances should be disallowed for it would be a cloak for military expediency or advantage. Finally, since each side, as Schwarzenberger points out, undoubtedly would claim to act in defense of the "ultimate values of society" against the other's design of world domination, this asserted right to be the self-appointed guardian of humanity merely functions "to provide in advance, and indiscriminately, both sides with semi-legal justification for the 'ultimate deterrent.' "[117]

Our first conclusion that nuclear weapons violate the rules of international customary law with regard to poison and poisoned weapons is derived by analogy. The second conclusion that their strategic use against urban centers would obliterate the distinction between combatants and non-combatants is similarly based on principles established in conditions fundamentally different from those obtaining in modern war. In the absence of an express prohibition of the use of nuclear weapons in either conventional or customary law, any finding of illegality is therefore open to the objection that it is derived "from prescriptions created with respect to very different weapons in a very different world."[118] As we have seen, such a determination would also have to brand as illegal and criminal much of recent usage. Given the importance of nuclear weapons in the military planning of the major powers today, it would be obviously hazardous to expect too much from controversial analogies and principles flying in the face of generally followed practice. Moreover, and irrespective of the question of legality as such, the use of nuclear weapons remains of course legal as an act of reprisal, *i.e.*, to force the enemy to stop their use.

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[112] Oppenheim-Lauterpacht, II (7th ed., 1952), p. 351, n. 2.

[113] Quoted *ibid.*, p. 233, n. 2.

[114] *Cf. U. S. Law of Land Warfare* (1956), Art. 3.

[115] The existence of this right is asserted by Stone, *op. cit.*, pp. 352–53. For the opposite view see N. C. H. Dunbar, "Military Necessity in War Crimes Trials," *British Year Book of International Law*, XXIX (1952), p. 443. Schwarzenberger calls the principle of self-preservation "a psychological, but not a legal principle" (*Legality*, p. 42).

[116] According to the U. S. memorandum attached to the report of the League of Nations Commission on Responsibilities, "the assertion by the perpetrator of an act that it is necessary for military reasons does not exonerate him from guilt if the facts and circumstances present reasonable grounds for establishing the needlessness of the act . . ." Quoted by Dunbar, *British Year Book of International Law*, XXIX, p. 444. There can be little doubt that in the unlikely event of a Japanese victory in World War II the Japanese would have been on solid ground in rejecting the plea that the use of the atomic bomb was justified by military necessity.

[117] Schwarzenberger, *Legality*, p. 42.

[118] Myres S. McDougal and Norbert A. Schlei, "The Hydrogen Bomb Tests in Perspective: Lawful Measures for Security," *Yale Law Journal*, Vol. 64 (1955), p. 689.

The difficulty of ascertaining the legality of nuclear weapons underlies the basic question of the current status of the international law of war. If it should turn out that the annihilation of millions of men, women and children in one city by one hydrogen bomb is perfectly legal, this would clearly call into question the relevance of the international law of war, which came into being to diminish the evils of war and to prevent such indiscriminate slaughter.

The uncertainty whether any of these rules are left intact is also of importance in assessing the validity of the plea of superior orders. For irrespective of the development of the theory of international law, there is a good chance that the victor in any future war fought with nuclear weapons—assuming that there will be a victor in any meaningful sense of that term—will put the political and military leaders of the defeated side on trial as war criminals. Both the United States and the Soviet Union have for years charged each other with planning aggression; the Soviet Union, at one time, branded nuclear weapons as "incompatible with the generally accepted rules, and the ideas reinforced by the common sense of humanity" and this view could be resurrected in case of need.[119] In these circumstances the Nuremberg judgment might serve as a ready-made gallows for the leaders of the vanquished; such a tribunal may not share the scruples of the United Nations after World War II, which refrained from accusing the Axis of using methods of warfare also resorted to by the Allies. In such a case, the plea of superior orders would gain added strength if it could be shown that the written and unwritten law of war, whereby the legality of orders would have to be tested, was really no longer meaningful or ascertainable. "The *mens rea* which bases criminal responsibility," writes Stone, "presupposes the accused's access to criteria of moral judgment transcending the nationalized truth of his State."[120] The moral sentiments which alone enable the individual effectively to critize the actions of his own government and the commands of his superiors today are in a most precarious state.

III. THE CRISIS IN THE LAW OF WAR

During the war of 1914–18 conventional and customary restrictions on the methods and scope of violence were put under severe strain. The Hague Conventions, generously sprinkled with expressions like "so far as possible" or "except when absolutely necessary," proved unable to stem the progress of science and technology and failed to prevent the use of new weapons like planes and flamethrowers. "Their vagueness," one writer notes appropriately, "furnished belligerents with justification at the same time that it afforded ample grounds for mutual recrimination."[121] The imposition of the Allied blockade, designed to undermine the will of the German civilian population to resist, violated at least the spirit of the Hague Conventions, which had wanted to restrict the conflict to the armed forces. Many of the more explicit prohibitions, as those relating to poison gas, were openly flouted.[122]

We have seen that in World War II the laws of war were violated on a grand scale. While some international lawyers maintain that violations as such cannot impair the validity of the law of war and lack any law-creating faculty even in the case of analogous conduct by both belligerents,[123] others speak of new law made by way of practice. Usages of war, it is conceded, have a tendency to harden into legal rules, and reprisals and counterreprisals often fulfill the function of adapting the law to changed conditions of warfare. The "sink at sight" practice of submarine warfare in World War II is a case in point.[124] Similarly, airmen were at first considered and treated as war criminals, while during the Second World War tactical and strategic bombardment from the air, including the bombing of centers of civilian population containing war industries, came to be accepted as legal. Indeed, the fact that the war crimes tribunals so completely failed to raise the issue of terror-bombing may amount to ratification of the practice and its absorption into the legal mode of warfare.

The invention of nuclear weapons in the context of these developments has led to the forementioned view that the law of war is now finally obsolete. The Hague Conventions are seen to be outmoded on the basis of *rebus sic stantibus,* for war no longer is waged in two dimensions only.[125] The laws of war are held to be unable to rule out useful weapons decisive in securing the ends of war. The free world's lawyers, writes one observer, "must not fetter its defensive strength with restrictive doctrines which advance no goals but those of the enemy. They must recognize that if war comes, no militarily effective technique can be unilaterally abandoned without inviting suicide."[126] Indeed, in view of the decisive nature of the first blow dealt with strategic nuclear weapons, the idea of preventive or pre-emptive war has reappeared in some quarters. "There is urgent need," suggests a well known theologian, "for a thorough moral re-examination of the basic American policy that 'we will never shoot first.' "[127]

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[119] The quoted words are those of Gromyko, speaking to the United Nations Atomic Energy Commission in 1946, quoted in Phillips, *op. cit.*, p. 413.

[120] Stone, *op. cit.*, p. 329. Whether the victor will be willing to entertain this excuse remains, of course, an open question.

[121] Phillips, *op. cit.*, p. 323.

[122] *Cf.* J. W. Garner, *International Law and the World War* (London, 1920).

[123] See, *e.g.*, the discussion of aerial warfare by Alfred Verdross, *Völkerrecht* (3d ed.; Vienna, 1955), p. 397.

[124] *Cf.* Lauterpacht, *British Year Book of International Law*, XXI, p. 76.

The chaotic status of the laws of war at the present time, according to another view, calls for their revision in the form of international treaties so as to constitute legally binding rules overcoming total war. "While the statement of the law actually in force must closely follow the practice of states objectively determined, the proposals *de lege ferenda* must, as in the time of Grotius, be made in opposition to the recent practice of states."[128] This revision should aim not only at banning nuclear weapons but also other weapons of mass destruction of the so-called ABC family (atomic, bacteriological and chemical). Until the possibility of entirely banishing the scourge of war is clearly in sight, these men stress, it is of the greatest importance to make all possible efforts to reduce the sufferings, in the event of war, of both combatants and non-combatants. Even the development of the United Nations into a world government with its own police force, it is argued, would not eliminate the need for rules of war regulating the conduct of such an international instrument of peace enforcement.[129] The International Red Cross admits that many provisions of the Hague Conventions are no longer adapted to the new situations created by revolutionary developments in the methods of warfare. At the same time the Red Cross emphasizes that these regulations merely express principles of humanity, "which, in the absence of any more suitable code of rules, *are and remain valid at all times.*"[130] These principles ought to be reaffirmed and applied to the new methods of violence.

The proposed revision and restatement of the laws of war met with the objection that any legal regulation of warfare on a humanitarian basis requires generally accepted criteria or standards of conduct and that these universally approved principles of humanity are today no longer clearly ascertainable. "It is essential," writes Dunbar, "not only to fix the limits at which the necessities of war ought to yield to the requirements of humanity but first of all to establish what are in fact those principles of humanity."[131] This was also the conclusion arrived at by the "Committee of Three" appointed by the Institute of International Law at its Siena session in 1951 and charged with exploring the problem of the revision of the international law of war. The Committee reported back that in its view the existing rules of warfare were largely obsolete and that, in the absence of guiding principles, any restatement of *lex lata* would be a sheer waste of time.[132]

The real problem, then, is the gulf which has opened up between the existing law of warfare, to the extent that any agreed law can be found, and what at one time were thought to be the considerations of humanity. The conscience of humanity has been confronted with saturation bombing with TNT and incendiaries, the atomic bomb, napalm. It is now in the throes of accepting the hydrogen bomb. The question which waits for an answer is: where does legal warfare end and humanity begin? When the victorious powers of World War II condemned and punished the leaders of the Axis, it was hoped that this act of retribution would create a new standard of international morality. "We are here to define a standard of conduct, of responsibility," declared the tribunal in the *Ministries Case*, "not only with regard to past and present events, but those which in the future can be reasonably and properly applied to men and officials of every state and nation, those of the victors as well as those of the vanquished."[133] This noble attempt has so far failed. Future historians, reading the Allied tribunals' eloquent denunciations of total war and German *Kriegs-raison*, may find in the subsequent record a mockery.

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[125] Smith, *op. cit.*, pp. 68–69.

[126] Phillips, *op. cit.*, p. 397 (italics omitted).

[127] John Courtney Murray, S.J., *Morality and Modern War* (New York, 1959), p. 21, n. 2.

[128] Josef L. Kunz, "The Laws of War," *American Journal of International Law,* Vol. 50 (1956), p. 337. See also his earlier article, "The Chaotic Status of the Laws of War and the Urgent Necessity of their Revision," *ibid.*, Vol. 45 (1951), p. 37–61.

[129] Philip C. Jessup, *A Modern Law of Nations* (New York, 1958), p. 221. See also his "Political and Humanitarian Approaches to Limitation of Warfare," *American Journal of International Law,* Vol. 51 (1957), pp. 757–761.

[130] *ICRC Draft Rules* (1958), p. 54.

[131] Review of *U. S. Law of Land Warfare* (1956) in *British Year Book of International Law,* XXXIII (1957), p. 365.

[132] "La révision du Droit de la Guerre," *Annuaire de l'institut de Droit International,* XLV (1954), vol. I, pp. 555–558. The Committee was composed of Frederick R. Coudert, J. P. A. François and H. Lauterpacht.

IV. THE DICTATES OF CONSCIENCE

Granting that most of the international law of war lies in shambles and the "dictates of the public conscience" have seemingly surrendered to military expediency, in his dilemma the individual will find little guidance on the level of legality. Even if he could be sure—which he cannot be—that after a nuclear war nobody will be in a position to institute war crimes proceedings against anyone, he may still be troubled by the moral question. The incertitude of the collective conscience will force him back on his own personal judgment and sense of right.

It may well be, of course, that the dilemma "to press or not to press the button" will not be felt by very many. Indeed, one of the most distressing results of the degeneration of warfare in World War II has been the loss of appreciation, on the part of many otherwise honorable people, of the distinction between right and wrong in matters of warfare.[134] Aerial warfare and, *a fortiori*, long distance missiles, have depersonalized the activity of killing and maiming. "Weapons with which the enemy can be attacked while he is at a distance," Clausewitz wrote in his treatise *On War*, "allow the feelings, the 'instinct for fighting' properly called, to remain almost at rest, and this so much the more according as the range of their effects is greater. With a sling we can imagine to ourselves a certain degree of anger accompanying the throw, there is less of this feeling in discharging a musket, and still less in firing a cannon shot."[135] Today the distance between the soldier and the horror perpetrated on his victims is even greater and the amount of feeling accompanying the infliction of death and injury correspondingly smaller. In previous ages, notes a German atomic scientist, war was dreadful because man could become a wild animal. Today's wars are dreadful because man can exterminate his fellows as easily as vermin. "Not anger but the lack of feeling is our problem."[136] The depersonalization of the destructive process, warns Stone, "may yet render the principle of humanity as archaic as the principle of chivalry may already have become."[137]

This condition of declining moral sensitivity is all the more striking in view of the impressive regard paid today to the alleviation of suffering in our domestic life, in the treatment of the sick, the poor, criminals and even animals. Here the abhorrence of cruelty and respect for the sanctity of life have increased, while the clash of ideologies in the context of revolutionary developments in the art of killing has all but done away with any sense of common humanity in relation to the "enemy." That even the enemy is composed of human beings—men, women, and children—seems to have been forgotten; today, as C. Wright Mills notes correctly, "if men are acting in the name of 'their nation' they do not know moral limits but only expedient calculations."[138] Leading statesmen have agreed that war no longer is an acceptable "instrument of policy" in the adjustment of differences between nations, that it threatens to become a horror of slaughter and destruction intolerable to any decent mind. Yet public opinion accepts the need to use the weapons of annihilation. Secretary Forrestal, during the crisis created by the Berlin blockade in 1948, was worried whether the American public, should the need arise, would permit resort to the atomic bomb. It was the unanimous agreement of a score of prominent newspaper publishers and editors, questioned by Forrestal, "that in the event of war the American people would not only have no question as to the propriety of the use of the atomic bomb but would in fact expect it to be used."[139] This acceptance of savagery as unavoidable is probably unchanged today. The equanimity with which in discussions of nuclear attacks entire metropolitan areas, if not countries, are written off is symptomatic of the same moral insensibility, of the turning of horror into morally condoned conventions of thinking.

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[133] *Trials of War Criminals*, XIV, p. 527.

[134] *Cf.* Sack, *Lawyers' Guild Review*, Vol. 5, p. 168.

[135] Quoted in John U. Nef, *War and Human Progress: An Essay on the Rise of Industrial Civilization* (Cambridge, Mass., 1950), p. 372.

[136] Carl Friedrich von Weizsäcker, "Ethische und politische Probleme des Atomzeitalters," *Aussenpolitik*, Vol. 9 (1958), p. 305.

[137] Stone, *op. cit.*, p. 339.

[138] *The Causes of World War Three* (New York, 1958), pp. 79–80.

[139] Walter Millis (ed.), *The Forrestal Diaries* (New York, 1951), p. 487, quoted in Millis, *Arms and Men: A Study in American Military History* (New York, 1958), p. 289. By 1951, Millis adds, the American public "would probably have had little hesitation in incinerating any number of Communist troops—or Communist women and babies—in the nuclear fires" (p. 299).

And yet, there may be men for whom the moral dilemma will be real, who will not be content with doing their duty and imputing moral responsibility for their actions to their superiors. There may be men who, if and when faced with the consequences of the deeds they are asked to commit in the name of their nation, will want to follow the counsel of Thoreau to "be men first, and subjects afterwards."[140] Given the possibility that blind obedience to orders may lead not only to the killing of millions on the side of the enemy but may also spell the doom of one's own nation, and perhaps of mankind as such, a case could be made for the choice of disobedience even on grounds of prudence. Such loyalty to humanity might turn out to be the only meaningful national allegiance while at the same time preserving the moral integrity of the individual.

It is simple enough to point out that blind obedience is a relic of primitive man, that soldiers do not cease to be human beings, and that the best soldier is not necessarily the one who fights like a machine, regardless of the means and unaware of the moral meaning of victory. It is also true that no army could exist or operate if every man's personal standards of duty and morality were to prevail. The Nuremberg war criminal Jodl was right in saying "that the prosecution could thank its own obedient soldiers for being in a position to prosecute."[141] At the same time, one can find a powerful justification of the criticism of military policies on ethical grounds in the proved fallibility of the calculations of competent soldiers and statesmen. The decision to use the atomic bomb against Japan, for example, judged by the knowledge we have today of Japan's military potential in the summer of 1945, was probably a mistake. But even if the employment of the bomb spared the Allies an invasion and a bloody campaign in the main islands of Japan, a country claiming to defend the cause of freedom and the ultimate dignity of the individual human being cannot justify such a step on grounds of military strategy only. One cannot accept the argument that the shortening of a war is the supreme end without at the same time abandoning all moral restraints on the conduct of hostilities. This line of reasoning would justify not only the use of nuclear weapons but also the resort to poison gas, the dissemination of deadly germs, the torturing of prisoners, and mass killings of innocents by any other conceivable invention as long as strategists suppose they will be able to avoid the enemy's retaliation in kind. It may well be that the floodgates are already open to any atrocity that proves militarily effective. Yet who will be morally obtuse enough to deny the protest of an individual who refuses to be a party to what seems to him barbarism? Can one easily reject the eloquent plea of Sir Hartley Shawcross at the Nuremberg trials that "there comes a point where a man must refuse to answer to his leader, if he is also to answer to his conscience?"[142]

A number of religious leaders, men of diverse faiths, have argued that all-out nuclear war is not only suicidal as well as self-destructive in the sense of undermining the values we are seeking to preserve, but that it also violates absolute moral imperatives and therefore is morally wrong even if we could protect ourselves against nuclear attack. Speaking to the World Medical Congress in 1954, Pope Pius XII declared that the employment of ABC weapons, escaping from the control of man, is to be rejected as immoral: "Here it is no longer a question of defense against injustice and of the necessary safeguard of legitimate possessions, but of the annihilation, pure and simple, of all human beings within its radius of action. This is not permitted on any account."[143] A committee set up by the World Council of Churches has concluded similarly that a military strategy contemplating the use of hydrogen bombs against urban centers violates "every element of Christian faith, hope and ethics." Christians should openly declare that such weapons should never be resorted to, and "if all out war should occur. Christians should urge a cease fire, if necessary on the enemy's terms, and resort to non-violent resistance."[144]

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[140] Henry David Thoreau, "Civil Disobedience," *Walden and Other Writings* (New York, 1950) p. 637.

[141] Related by Gilbert, *op. cit.*, p. 365.

[142] *Trial of the Major War Criminals before the International Military Tribunal*, Nuremberg 14 November 1945–1 October 1946, vol. III (Nuremberg, 1948), p. 144.

[143] Quoted in John Courtney Murray, S.J., "Remarks on the Moral Problem of War," *Theological Studies*, Vol. 20 (1959), p. 51.

[144] World Council of Churches, Division of Studies, *Christians and the Prevention of War in an Atomic Age—A Theological Discussion* (n.p., 1958), p. 30.

Others have counselled against retaliation with nuclear weapons against nuclear aggression on the ground that a nuclear war of defense today is a contradiction in terms. "The truth is that this would double the enormous evil physically and morally."[145] According to George F. Kennan, "the weapon of indiscriminate mass destruction goes farther than anything the Christian ethic can properly accept."[146]

It is clear that any unilateral renunciation of strategic nuclear weapons destroys the efficacy of the policy of deterrence and does away with the so-called "balance of terror." If one declares openly and in advance that these weapons will never be used, there is no conceivable reason for stockpiling them. The other side, then, could act as it saw fit and this might well lead to "nuclear blackmail" and ultimately defeat. Even merely to argue that, once the deterrent has failed to preserve peace, surrender is better than all-out nuclear war, weakens the effect of the deterrent, the strength of which depends on one's resolution to use it in retaliation. Yet it is probably true, as von Weizsäcker puts it, that "these bombs can protect peace and freedom only on condition that they never fall, for if they should ever fall there would remain nothing worth protecting."[147] If so, the balance of terror amounts to a gigantic game of bluff, each side threatening the other side with weapons the use of which could not serve any sane purpose. Unless the absurd immorality of a world nuclear conflict is kept in mind and reaffirmed constantly, nations may lose the sense of restraint which today still makes nuclear arsenals a deterrent threat rather than weapons readily used. That such moral affirmations may weaken the restraints upon would-be aggressors and, therefore, encourage aggression, tyranny and immorality is another of the paradoxes inherent in the situation of mutual deterrence.

The subordinate in front of the button may have neither time nor inclination to think of all these complexities. Yet these considerations must not be ignored. The remarks of Karl Jaspers, speaking of the declaration made in 1957 by eighteen outstanding German physicists not to participate in the making of atomic weapons, are pertinent: "The personal 'No' is unassailable as long as it represents an act of conscience and therefore becomes a visible event only when others bring it before the public. It is unassailable only then when one also accepts personal responsibility for all consequences."[148] Whether all possible consequences of pressing or not pressing the button can be foreseen is doubtful. It is obvious that an individual can not restrict the effects of such a choice to his own personal life. The conscientious objector in wars past could remain faithful to the dictates of his conscience without thereby significantly influencing the outcome of the armed conflict. Today, given the potency of the new weapons, the refusal to obey on the part of a single important individual could spell a nation's defeat, though it might save the world from ruin, and so would make his decision all the more fateful. He would have to weigh the claims of the present generation against those of the future, the possibility of the adversary's world triumph against the danger of race suicide. He would have to answer the question whether any single individual should make the fateful choice for all humanity. And he might wonder what could be the justification of choosing non-existence for those who, in the years ahead, would have been born into life.

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[145] Francis P. Stratmann, O.P., *War and Christianity Today*, trans. John Doebele (London, 1956), p. 57. That retaliation will not serve any positive end is fairly clear. "Rationally, of course," writes John H. Herz in his excellent study *International Politics in the Atomic Age* (New York, 1959), p. 189, "there is no 'reason' for the attacked, once his threat of retaliation has proved futile, actually to make good on his threat and retaliate; he will do so only to satisfy his 'irrational' urge for revenge." Instead of achieving the prevention of a take-over by the enemy, retaliation may well lead to counter-retaliation or even a series of desperate nuclear exchanges, which eventually may threaten human life everywhere.

[146] "Foreign Policy and Christian Conscience," *Atlantic Monthly*, May 1959, p. 47.

[147] *Aussenpolitik*, IX, 306.

[148] *Die Atombombe und die Zukunft des Menschens: Politisches Bewusstsein in unserer Zeit* (3d. ed.; Munich, 1958), p. 274.

STABILIZING THE MILITARY ENVIRONMENT

ROBERT E. OSGOOD
University of Chicago

Ever since President Eisenhower broached the "open skies" proposal in 1955, American "disarmament" policy has given prior emphasis—apart from diplomatic and propagandistic purposes—to the objective of stabilizing the military balance of power, as distinguished from the traditional objective of abolishing or reducing the arms that sustain that balance. So Secretary of State Herter on February 18, 1960, described the first goal of America's disarmament policy as creating "a more stable military environment" by reducing the risk of war resulting from a surprise attack launched by miscalculation or from the promiscuous spread of nuclear weapons production.[1] And so on May 25 President Eisenhower took the occasion of the U-2 incident to reiterate the urgent need for an international agreement providing mutual assurance against surprise attack; and on September 22, in an address to the U.N. General Assembly, proposed a United Nations surveillance body to permit nations to prove to each other that they are not preparing to launch a surprise attack.[2]

If stability is the objective, then arms control policy is clearly the logical complement rather than the antithesis of defense policy. Yet in the absence of an overall strategy of stability, linking arms control with military strategy, the two may work against each other. Thus in the context of recent developments in missile technology, stabilizing the military environment requires the American government to make a basic decision, not only about arms control, but about the whole strategy of deterrence, lest its concern for providing mutual assurance against surprise attack conflict with its reliance upon a nuclear response to discourage a wide range of aggressions. That decision should be based on a sober appraisal of the element of instability in the balance of terror, the diverse and interrelated requirements of deterrence, and the relationship of military stability to the political environment.

Such an appraisal will indicate, I believe, that the most effective contributions to military stability under foreseeable technological and political conditions are measures in the realm of military capabilities, strategy, and pronouncements that the United States and her allies can readily take by themselves, rather than in the realm of elaborate international agreements that require the formal cooperation of the Communist bloc. The continued impasse in the most feasible of all kinds of arms agreements—a nuclear test ban—reinforces this conclusion.

I. THE MILITARY BASIS OF STABILITY

If stability of the military environment is measured chiefly by the tendency of conflicts of national interest to erupt in war, obviously it cannot be dissociated from the stability of the political environment. However, the contemporary military environment is widely supposed to be distinguished from previous military environments by the extent to which its stability depends upon the autonomous influence of a radically new military technology. Some hold that this technology promotes stability in spite of serious political conflicts; others hold that it incites instability in spite of a common interest in avoiding war. Both may be right, depending upon the strategy and capabilities that nations may adopt. In any case, the novel characteristics of contemporary military technology seem to have placed an unprecedented burden upon the stability of the military environment itself in stabilizing international relations as a whole.

Stability is an old ideal in international relations, expressing the goal of moderating and regularizing the competition of power among states so as not to disrupt the political system, which they have a mutual interest in preserving. The most effective instrument of stability in modern times was the balance-of-power system of the eighteenth and nineteenth centuries, which in theory—and, to a notable extent, in practice—constrained the great powers, on the one hand by confronting them with the prospect of countervailing alignments and alliances, and on the other hand by offering them opportunities for limited adjustments of power without the hazards of unrestricted competition. However, the conditions that enabled this system to stabilize international relations as well as it did—principally, a fairly equal distribution of power among several states, a rudimentary moral consensus among monarchs and ruling classes, and a war potential of relatively limited destructive capacity—no longer exist. Instead, we live in a more or less bipolar political system dominated by two states with intensely hostile interests and aims. Either of these states could drastically alter the configurations of power in a single military encounter. Neither has access to the balancing mechanisms of the old political system even if it wished to use them.

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[1] *New York Times*, February 19, 1960, p. 4.

[2] Radio and television address to the nation. *Ibid.*, May 26, 1960, p. 6. *Ibid.*, September 23, 1960, p. 14.

With the disappearance of the non-military balancing mechanisms of the balance-of-power system, such as shifts of alliances and territorial compensations, the stability of the international power competition has come to depend more upon the stability of the military balance itself. At the same time, with the revolutionary increase in the destructive capacity of war potential in the last half-century, the resort to armed conflict has ceased to be a reliable instrument for maintaining a political balance. Consequently, in the Cold War the *status quo* powers have aspired to construct stability on the foundation of deterrence, on the assumption that the very capacity of the United States and the Soviet Union to destroy each other gives both an overriding interest in observing strict restraints upon the use and threatened use of armed force.

This is an essential assumption upon which to base foreign and military policies; yet it would be dangerous to underestimate the difficulties of translating an hypothetical common interest in stability into actually stable relationships. Even assuming that a *status quo* power can induce a revolutionary power to share this interest, both must observe an unprecedented degree of deliberate restraint upon the conduct of their military and political policies, considering the risks and consequences of unrestrained competition. This means that the United States and the Soviet Union can buy stability only at the price of carefully planned reciprocal restrictions upon the most "efficient" instruments of military power. In planning these restrictions, both powers must take account of the inherent element of instability in a military balance that depends so heavily upon threats and counter-threats of reprisals, which are intended to constrain the adversary by terror.

II. THE SOURCES OF INSTABILITY

If we seek to stabilize the military environment, we must know its basic sources of instability. Consider one fundamental source: The balance of terror puts a premium upon prudent and accurate calculations of the will or intentions of adversaries to impose a disadvantageous ratio of costs to benefits upon each other, even though neither would be likely to gain an advantage if both employed their full capabilities to impose such costs. The dependence of military power primarily upon the *credibility* of reprisals and counter-reprisals, rather than upon opposing capabilities to attain or withhold military objectives, creates a far more complex and uncertain relationship between military capabilities and the will to use them than existed under the balance-of-power system in its heyday (which was itself far from being the mechanically predictable regulator of power that its advocates sometimes claimed). Whereas deterrence under the balance-of-power system depended largely upon estimates of relative military capabilities—which, although repeatedly miscalculated, were assumed to have a fairly straightforward relationship to the will to employ them—deterrence under the balance-of-terror system depends, primarily, upon a complicated process of mutual mind-reading based upon some such highly subjective and speculative calculus as the relationship between the value of an objective at stake to the estimated effectiveness and costs of an action in the light of the probability of a particular response. The management and control of deterrence as an instrument of policy is, correspondingly, more unpredictable and more subject to miscalculation. At the same time, the consequences of even a small miscalculation could be enormous.

Stability is further jeopardized by the rapidly changing and untried weapons systems upon which deterrence must now be based. The whole complex calculus of deterrence rests upon assumptions about the consequences of employing a military technology that has never been tested in war; and one configuration of capabilities that seems to assure stability can be rapidly supplanted by another that undermines stability.

Up to a point, the very uncertainty of the requirements of deterrence, combined with the disastrous consequences of miscalculation, may stabilize a condition of reciprocal restraint, which no power will dare upset at even a slight risk of war. But, carried to its full logic, a strategy based upon the stabilizing effect of this uncertainty leads to a dangerous reliance upon the balance of terror to deter the whole range of possible military threats.

This kind of strategic monism relies too heavily upon the undeviating self-restraint and low risk-taking propensities of statesmen and rulers. It ignores the provocative effect of the fearful uncertainties themselves. It overlooks the tendency of any apparently stable military balance, even one based on great uncertainties and risks, to breed confidence in the regularity and predictability of that balance, which in turn diminishes the restraints upon military action. And, connected with this phenomenon, it overlooks the tendency of the stability of deterrence against one kind of threat—for example, the initiation of strategic nuclear strikes—to create instability with respect to another—particularly, limited conventional military action.

In the light of these hazards, one of the greatest threats to stability in the contemporary military environment is the proclivity of democratic nations to economize in acquiring increasingly expensive weapons systems by relying upon deterrence of the most catastrophic contingency—an all-out nuclear attack—to deter a wide range of lesser contingencies, while tailoring their estimates of the uncertain requirements of deterrence to fit their own capabilities rather than the adversary's.

III. THE DECLINE OF CONFIDENCE IN STABILITY

In spite of the inherent element of instability in the balance-of-terror system, the great Western powers have been inclined, until recently, to assume that the stability of the military environment is an automatic result of technological advance in the means of destruction, that the requirements of stability and maximum striking power are identical. When the United States held a monopoly of nuclear striking power, stability was supposed to be a function of the continued advancement of her capacity for massive retaliation. When the United States lost her atomic monopoly, stability was supposed to be assured by a balance instead of a monopoly of terror.

Thus Western leaders eagerly embraced the view expounded by Sir Winston Churchill in his famous address to the House of Commons on March 1, 1955, that as strategic nuclear striking capacities increased, even an inferior capacity could deter the aggressor from "snatching an early advantage" by threatening to inflict "swift, inescapable, and crushing retaliation." "Then it may be," he foresaw, "that we shall, by a process of sublime irony, have reached a stage in this story where safety will be the sturdy child of terror, and survival the twin brother of annihilation." Churchill even anticipated the realization of that ultimate condition of stability, nuclear sufficiency, which would logically terminate the nuclear arms production race; for in three or four years, he said, nations might reach a point of "saturation" in their nuclear capabilities, when, although one nuclear power might be stronger than the other, each would be capable of inflicting crippling damage upon the other.[3]

However, since Churchill gave the balance of terror its most eloquent and hopeful expression, a marked decline of Western confidence in its automatic stability has set in. This decline of confidence is a product of three major changes in the military environment: (a) the spectacular growth of Soviet nuclear striking power, (b) the increasing range, speed, accuracy, and explosive power of nuclear missiles, and (c) the prospect of other powers acquiring strategic nuclear capabilities. It is manifested, principally, in four ways: (a) doubts about the efficacy of America's capacity for massive retaliation to deter aggression upon other states, (b) doubts about the efficacy of this capacity to deter a direct strategic attack upon the United States, (c) fears that the strategic nuclear capabilities of the United States and the Soviet Union might provoke a thermonuclear war by miscalculation and fear of surprise attack, and (d) fears that the spread of nuclear capabilities to other powers will lead to wars provoked and initiated by third powers.

Quite apart from the problem of stabilizing a multipolar balance of terror, which the diffusion of nuclear capabilities would create, these doubts and fears about the bipolar balance seem destined to create a far more complex view of the requirements of stability and their relation to strategic nuclear striking power than the prevailing view before the appearance of accurate long-range missiles. Already, in the West, these requirements are being discussed and proposed, explicitly or implicitly, in terms of three concepts of deterrence—active, passive, and negative[4]—which are distinguished by different objectives and methods, and which affect stability in different ways.

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[3] It should be noted that Churchill, unlike those who took his statement as a confirmation of the universal efficacy of massive retaliation as a deterrent, recognized that stability in the strategic sector of the military environment would create instability in the tactical sector unless local conventional forces were enlarged to deal with piecemeal, limited aggressions.

[4] "Active" and "passive" deterrence are words invented in 1958 by John Grant, the Defense Correspondent of the London *Times*, and subsequently popularized in Parliamentary defense debates. See *The Times* (London), October 15, 1958, p. 13; October 16, 1958, p. 13. They are less precise but, perhaps, more descriptive than other designations of these two types of deterrence, such as Herman Kahn's Types II and III and Type I. As explained below, "negative" deterrence is my own invention.

However, there is evidence that Western governments have not yet taken full account of the conflicts among these requirements of stability and of the implications of these conflicts for existing strategies and capabilities of deterrence. This was conspicuously true of the Eisenhower administration.

IV. ACTIVE DETERRENCE

Active deterrence refers to the deterrence of military aggressions upon allies and other powers. If it depends upon strategic nuclear reprisals rather than upon local resistance, it requires convincing a potential aggressor that one will counter aggression with a first strike (first and second strikes referring here to the initial or secondary use of strategic nuclear blows),[5] which will inflict unacceptable costs in relation to the aggressor's anticipated benefit.

Exercised against an aggressor with a substantial counterstrike capability, active nuclear deterrence clearly puts a premium upon the *credibility* of a first strike, not just upon the *capability* to inflict great damage. But the credibility of a first strike depends upon convincing the aggressor that in a strategic nuclear exchange one's *own* costs would *not* be unacceptable in terms of one's anticipated benefits. Therefore, the growth of Soviet striking power has seriously diminished the credibility of America's willingness to deliver a first strike on the Soviet Union and its allies in response to their aggressions upon America's allies, unless, perhaps, those aggressions take the form of nuclear attacks. It has diminished the credibility of active nuclear deterrence in inverse proportion to the dimensions of the threat that such aggressions directly pose to America's security and prestige. The emergence of Chinese nuclear striking power will diminish the credibility of active nuclear deterrence to the point of zero.

What is required to stabilize the military environment, to maintain the efficacy of deterrence, against the threat of aggressions upon America's allies and other powers? Some advocates of active nuclear deterrence argue that it is necessary for the United States to maintain a first-strike capability that can disarm enough of Russia's strategic striking power to confine her retaliatory damage on America to acceptable levels, unless the United States can unilaterally develop a defense against incoming missiles that will achieve the same purpose (which seems quite improbable, if only because of the relative ease of developing counter anti-missile measures). A large-scale civil defense program would be a logical part of such a capability.

However, assuming that anything approaching the destruction of fifty of America's major cities would be an unacceptable price to pay for countering aggression upon her allies, by the late 1960s the possession of such a first-strike capability against Russia will probably require the maintenance of such a vast and effective "counterforce" capability as to be economically and technically unfeasible before long.[6] For as the numbers, accuracy, dispersion, mobility, concealment, and protection—in short, the relative invulnerability—of Soviet long-range missiles increase (as they must, if only to neutralize America's first-strike capability), the United States will find it prohibitively difficult to maintain a counterforce capability that she can safely rely upon to destroy enough of Russia's retaliatory power to avoid losing fifty or more American cities. At the same time, the effort to maintain such a capability must lead to an immensely expensive arms race, if only because each side will fear that its second-strike capability is in jeopardy. Moreover, even a perfect counterforce capability would not guarantee deterrence of a great variety of lesser aggressions; for even when the United States enjoyed a virtual monopoly of nuclear striking power, such aggressions occurred.

Only if the United States chooses to base active deterrence on a strategy of limited or graduated nuclear reprisals[7]—that is, a strategy of striking a small number of selected targets as a means of imposing disproportionate costs in a bargaining process leading to a political settlement—will she be able to reconcile available counterforce capabilities with a first-strike strategy. The obvious difficulties of getting the Soviet Union to cooperate in a war of controlled nuclear reprisals and counter-reprisals, let alone the political and psychological liabilities of declaring such a strategy as a deterrent against non-nuclear aggressions, would seem to preclude relying upon limited nuclear retaliation as a substitute for local resistance. Nevertheless, when the United States can no longer hope to confine Russia's retaliatory strike to a tolerable level of damage, limited retaliation will be an indispensable option to massive retaliation, if some form of active nuclear deterrence remains essential as a last resort. It could be especially useful as a counter to Soviet and, in several years, Chinese threats to direct limited nuclear strikes against allied bases. For this option some counterforce capability in addition to a minimum counter-city capability would be essential.

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[5] "Strike first" and "strike-back" might be less confusing terms, since a "first-strike" can be construed to refer solely to a surprise attack that initiates hostilities, whereas it actually refers to a retaliatory nuclear attack against non-nuclear aggression as well; and "second strike" may be construed to refer to the second nuclear blow delivered by the state initiating the nuclear exchange, whereas, in the special sense, it refers only to the first retaliatory nuclear blow launched by the state receiving the initial nuclear strike. However, "first strike" and "second strike" are by now too firmly fixed in their special meaning to justify supplanting them.

[6] A "counterforce" strike would be one directed against Russian missiles and planes (and their bases, command centers, and other supporting elements), as distinguished from "countercity" or "countervalue" strikes, which would be directed against fixed civilian targets—primarily, Russian cities and industrial facilities.

[7] The most systematic exposition of a strategy of limited nuclear reprisals published is Morton A. Kaplan's "The Strategy of Limited Retaliation," Policy Memorandum No. 19, Princeton

It follows that successful active deterrence will depend increasingly, although not necessarily exclusively, on local resistance forces capable of denying the aggressor the attainment of his immediate objective at an acceptable cost to the defender,[8] rather than upon a nuclear striking force designed either to disarm the aggressor in order to confine his retaliatory damage to an acceptable level or to inflict disproportionate costs upon him through limited reprisals—even though the creation of such denial forces may somewhat hasten the declining credibility of active *nuclear* deterrence.

Alternatively or in addition, it has been proposed that the United States give her NATO allies—either individually or, preferably, collectively—control of their own nuclear striking power, in the expectation that their initiation of nuclear reprisals against direct conventional attacks upon them would be more credible than America's use of nuclear reprisals on their behalf. However, considering the physical vulnerability of nuclear-armed allies to devastating Soviet preemptive or retaliatory strikes, it is doubtful that their nuclear capabilities—even if integrated under joint control and consisting of numerous mobile, sea-based, and solid-fuel missiles—would give them the confidence to play the deterrence game effectively, independently of the United States. And if their nuclear capabilities would serve only as a trigger for America's striking power or as an instrument of policy outside allied purposes, they might only compel the United States to limit her obligations to become involved in their conflicts and so undermine not only deterrence but political collaboration as well. Therefore, the diffusion of nuclear capabilities among America's allies is no substitute for America's active deterrents, whatever its utility may be for other military and political purposes.[9]

Of course, a nuclear force capable only of supporting a first-strike strategy of very low credibility may nevertheless be an adequate deterrent against aggressions upon allied and other states, since the potential aggressor may place a very low value on the pursuit of his objectives by military means in the light of attractive non-military alternatives. There are indications that the Soviet Union, if not Communist China, places some such low value upon military aggression in the present phase of "peaceful coexistence." However, it would be dangerous to assume that the Communist powers may not, under changed circumstances—say, the frustration of their present ambitions in the "zone of peace" or the ascendance of "Stalinists" in the Presidium—decide to exploit opportunities for military aggression, if the "relationship of forces" appears to permit them to do so at a tolerable risk. The Soviet nuclear striking power which today may be intended only to deter the United States from supporting her allies with massive retaliation, could tomorrow convince the Russians that

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University Center of International Studies, April 9, 1959. The most thorough analysis of the strategy I have seen is contained in an unpublished manuscript by Glenn Snyder.

[8] I agree with the current consensus that such local resistance forces should rely principally upon conventional weapons, reserving tactical nuclear weapons for selective retaliation in order to deter the enemy from using them and to induce him to limit and terminate an aggression that cannot be contained conventionally.

[9] There are persuasive arguments for the United States giving her allies an equitable share in the control of a joint nuclear capability under central command as a means of dissuading them from seeking independent nuclear capabilities, of consolidating the alliance politically by relieving them of exclusive dependence upon America's and Britain's decision to employ nuclear weapons, and of enhancing NATO's collective second-strike capability and protection against "nuclear blackmail." See, especially, Alastair Buchan, *NATO in the 1960's* (New York, Praeger, 1960), chap. v, and the articles by Buchan, Aron, and Knorr in the *Bulletin of the Atomic Scientists*, XVI (September, 1960).

they can assume the risks of limited warfare with impunity.

Finally, even if the United States did achieve a first-strike capability that assured stable deterrence against limited attacks on her allies, this would tend to unstabilize the military environment by increasing the incentive for the Soviet Union to strike first herself. Against the threat of a Soviet first strike, only effective passive and negative deterrents can promote stability.

V. PASSIVE DETERRENCE

Passive deterrence refers to the deterrence of a direct offensive assault upon one's own nation. Essentially, it requires convincing a potential aggressor that one can inflict unacceptable damage upon him with a second-strike attack. As added insurance beyond this "minimum" or "finite" deterrence, some counterforce capability would be useful in order to avoid being compelled to strike only at cities or industrial complexes while the enemy could strike at military installations, and in order to help terminate a strategic war short of catastrophe if deterrence should fail.[10] However, this capability would not be designed to "win the war" by protracted nuclear exchanges or to blunt an imminent attack by a preemptive blow.

Since the *credibility* of a massive second strike in response to an all-out attack could hardly be discounted by the aggressor, passive deterrence puts a premium upon one's *capability* to inflict unacceptable retaliatory damage. Assuming that the objective of a premeditated Soviet offensive first strike would be nothing less than the elimination of the United States as a major competitor, the Soviet Union, depending upon the urgency she attached to this objective, might be willing to accept substantial damage if she were quite sure of achieving her objective, although probably not so substantial as to destroy her great-power status in relation to other nations, including Communist China. Since no one, including Khrushchev, can be sure of the minimum level of retaliatory damage that would be unacceptable in such a hypothetical situation, it is probably prudent not to set this level short of the destruction of Russia's major cities and industrial facilities. One must hope that by the time Communist China obtains a significant independent nuclear striking capability, she too will operate under the same inhibitions against striking first at the cost of subjecting her cities and industrial facilities to retaliatory obliteration as the Soviet Union.

The feasibility of maintaining a second-strike force capable of inflicting the necessary level of damage will depend heavily upon its relative invulnerability; that is, its ability to survive a first strike and strike back. In the long run, as the numbers, accuracy, and penetrating power of the potential aggressor's missiles increase, concealment and mobility will probably be the most useful attributes of invulnerability.

Theoretically, with a sufficiently invulnerable striking force, the United States could achieve such an effective second-strike capability as to convince the Soviet Union that there would be no advantage in her trying to build up a massive first-strike counterforce capability at great expense. Already, the Soviet Union appears to have convinced at least the United States Navy and Army that second-strike "finite" deterrence is the only feasible objective of America's strategic striking force, while all military and civilian representatives of the government (except, occasionally, Air Force officers) have publicly justified their recommendations concerning the composition and size of America's strategic striking force exclusively in terms of its ability to survive a surprise attack and deliver unacceptable damage in return.[11]

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[10] Aside from the moral opprobrium attached to a strategy that aims exclusively to inflict maximum damage, a minimum deterrent striking force might foreclose the possibility of responding to a Soviet first strike confined to military targets, with graduated counter-military strikes. Such a response could be the only way for the United States to avoid choosing between surrender and placing all its cities in jeopardy by initiating civil strikes, and the only way to enable both sides to terminate the war short of extended countercity exchanges leading to catastrophic destruction. It seems exceedingly unlikely that the Soviet Union would incur the great risks and costs of initiating a strategic nuclear war on the highly problematical supposition that the United States might not respond to counterforce blows with countercity blows; but it is conceivable that, if Russia did for some reason launch a first-strike counterforce attack, while sparing American cities, and then decide that she did not wish to engage in extensive nuclear exchanges, she might seek an advantageous settlement by confronting the United States with certain obliteration if the United States should strike at Russian cities. The proper American response to such a tactic might be to bargain with limited retaliation upon comparable military targets, rather than to launch an automatic all-out attack intended to win the war or inflict maximum damage. For this purpose the United States would need some counterforce capability that was expendable without diminishing her countercity capability.

For his part, Khrushchev, in a speech to the Supreme Soviet on January 14, 1960, hailed the adequacy of Russia's missile force on the identical grounds upon which American officials were at the same time assuring Congress that there was no "deterrent gap." He conceded that in the event of a general war Russia "would suffer heavy misfortune, would sustain great losses of life"; but he expressed confidence that, even if some capitalist states were to gain parity with Russia in modern armaments, they would not rationally launch a first strike, because the Soviet Union had a sufficiently secure retaliatory missile force—by virtue of dispersion, camouflage, duplication, and triplication—to "literally wipe the country or countries that attack us off the face of the earth."[12]

In October, 1960, a leading Soviet military theorist, General Nicolai A. Talenski, reinforced Khrushchev's argument in a prominent magazine on foreign affairs. He contended that, in a nuclear war, "the world population would be reduced by one-half . . . the most active, capable, and civilized portion of mankind would be wiped out . . . the material and technical basis for life would be destroyed . . . humanity would be thrown back and its way to Communism would become immensely longer." Therefore, no power, Talenski implied, could derive an advantage from a surprise attack. "The 'saturation level' of nuclear weapons, their disposition, and methods of using them are at present such that the attacked country would always be left with sufficient nuclear means to inflict a counterblow of sufficient proportions to cause tremendous losses and destruction."[13]

Therefore, an old question arises anew: Will the nuclear powers reach the state of sufficiency or "saturation" in second-strike capabilities that Churchill envisioned? This is doubtful, considering the tendency of technological innovations to perpetuate an unstable equilibrium between offensive and defensive capabilities (not to mention the effect of Russian or American allies developing independent nuclear capabilities). Each side must continue to develop its striking force, especially qualitatively, if only to protect itself against the other side's achievement of a sudden offensive or defensive capability that would vitiate passive deterrence. Nevertheless, it is conceivable that the nuclear powers might, through a tacit or informal agreement, abandon massive first-strike strategies because they found it physically impossible or economically disadvantageous to maintain sufficient counterforce capabilities but were confident of maintaining adequate second-strike capabilities at tolerable expense. In this event, the strategic arms race might be limited chiefly to research and development, as distinguished from the production of weapons.[14] Concomitantly, the West would, logically, have to build up its tactical (especially non-nuclear) capability, where no arms race has existed. But, whether the arms race as a whole were mitigated or not, the primary objective of promoting a tacit agreement against first-strike strategies would be, not to diminish or end the arms race, but rather to stabilize its effect upon the military environment.

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[11] Thus on January 13, 1960, Secretary of Defense Gates, when asked to define the "deterrent gap" before a subcommittee of the House Committee on Appropriations, said, "If you can be satisfied that your deterrent power . . . will survive a surprise attack, regardless of what force he can attack you with, then you have no deterrent gap." And he assured the committee that "even a surprise attack by all the missiles the Soviets could muster would not suffice to destroy enough of our retaliatory strike forces to enable him to make a rational decision to attack." Subcommittee of the House Committee of Appropriations, Hearings, *Department of Defense Appropriations for 1961*, 86th Cong., 2d sess., pp. 4, 26, 136.

[12] *Digest of the Soviet Press*, XI.

[13] "On the Character of Modern Warfare," *International Affairs*, X (October, 1960), 25, 26.

[14] Judging from the reciprocal interaction in the arms race thus far (for example, the Soviet decision to concentrate on building missiles instead of competing with SAC, or the American decision to base strategic capabilities on the downward revision of estimates of Soviet ICBM production in 1958), the United States and the Soviet Union would probably have sufficient knowledge of each other's weapons to limit the arms race reciprocally to the maintenance of second-strike capabilities and to determine whether such a limitation were being observed. As the concealment, mobility, and protection of missile bases, as well as their number and dispersion, increase, it should become increasingly easy to determine whether one side or the other were building a counterforce first-strike capability adequate for a surprise attack. Tacit agreements renouncing first-strike disarming capabilities could be implemented and reinforced by announced conditional unilateral limitations, by private talks among Soviet and American military and civilian personnel, by emphasizing anti-first-strike measures in disarmament discussions, and by unilateral measures designed to de-emphasize a first-strike strategy (chiefly, those negative measures by which states would conspicuously refrain from deployments and actions that threatened the adversary's second-strike capability). Thomas G. Schelling makes some suggestive observations on the value and tactics of tacit and informal arms agreements in "Reciprocal Measures for Arms Stabilization," *Daedalus*, Vol. 89 (Fall, 1960), pp. 892–914.

A tacit or informal agreement recognizing, in effect, that neither side has an interest in building a large counterforce first-strike capability as long as the other side refrains from doing so would not be assured against violation as long as the fundamental conflict of interests and aims that generates the cold war persists. Mutual suspicions and imperfect knowledge of intentions are inherent in this underlying political conflict. Nevertheless, a tacit agreement of this kind should be as reliable as, and technically and politically much more feasible than, a formal agreement for the limitation and inspection of long-range strategic weapons, intended to stabilize a balance of striking power at a level at which small violations would not upset the balance.[15] Such an agreement would be self-enforcing, since a violation could be redressed by resuming the arms race for a first-strike force. It would certainly be less cumbersome and expensive than a formal agreement. More important, it would be less conducive to the distrust and misunderstanding that would accompany the continual operation of an elaborate system that was highly susceptible to technological obsolescence.

Therefore, barring a really decisive unilateral technological advance by one side or the other, it is conceivable that through a tacit agreement the balance of terror might become very stable in terms of mutual deterrence against first strikes, at least until other states gain significant nuclear capabilities. Judging from official pronouncements, this kind of stability became a major American objective under the Eisenhower administration. However, it is not clear that the Eisenhower administration also took account of the tendency of the stability of passive deterrence to make active deterrence unstable.

Assurance of America's ability to deter a Soviet first strike must, realistically, be bought at the price of conceding Russia's ability to deter an American first strike. But to the extent that Soviet and Chinese leaders are assured that the United States will not initiate nuclear strikes, they may be encouraged to undertake aggressions short of a direct massive blow upon the United States; and these limited aggressions might spiral into general warfare. Indeed, the outbreak and "escalation" of limited warfare is already the most serious threat to the stability of the military environment. Against this threat, the stability of active deterrence can be sustained only by building up local resistance capabilities, not by expanding first-strike reprisal capabilities.

In effect, the American government undermines the credibility of its announced first-strike strategy of massive-and-selective nuclear retaliation against major conventional attacks when it proposes and defends its strategic striking capabilities entirely in terms of the objective of passive deterrence. At the same time, it encourages instability in the lower sector of the military environment when it denigrates the need for local-resistance forces to deal with anything but minor conflicts, while neglecting to build the kind of forces that could effectively resist major limited aggressions without resorting to nuclear warfare.

VI. NEGATIVE DETERRENCE

As if tacitly conceding the obsolescence of active nuclear deterrence, the public debate on the alleged "missile gap" or "deterrent gap" has been concerned entirely with the question of whether the United States has an adequate second-strike capability for passive deterrence. Yet, certainly, a massive Soviet attack upon the United States "out of the blue" is the least of our deterrent worries. Nothing that we know of Soviet foreign policy or military thought, or of the trend of the cold war, supports the im-

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[15] One technical difficulty in a formal agreement would be agreeing upon the ratio that represented a stable balance—a problem that has traditionally plagued disarmament schemes. The problem of ratio would be compounded by the fact that invulnerability is a product not only of relative numbers of missiles but also of qualities such as protection, dispersion, concealment, and mobility. It would also be compounded by the rapid rate of technological development in armaments. The development of an effective anti-missile device, for example, could vitiate the whole agreement.

A trustworthy inspection system capable of verifying the ratio without undermining the invulnerability it was intended to guard (especially by disclosing the location of missiles) would require a complex and exacting procedure. However, if such an inspection system could be devised, it would probably give more assurance of stability if there were no formal agreement on missile numbers and ratios, since this would leave the powers free to make adjustments in response to technological changes without violating an agreement and calling into question the whole basis of reciprocal restraint.

plicit assumption behind much of this debate that the Kremlin takes such a desperate view of its opportunities for advancement through "peaceful co-existence" as to assume the risks of launching a knock-out blow against the United States on a problematical calculation that Russia's costs might be confined to a certain number of "mega-bodies" or obliterated (even if evacuated) cities.

However, there is another possibility of a massive Soviet first strike: the possibility of a defensive strike launched in anticipation of an imminent American attack. Considering America's and NATO's announced strategy of meeting conventional attacks with nuclear retaliation, while both American and Soviet leaders deny the possibility of limiting nuclear warfare, one cannot dismiss the danger that Russia might strike at the United States because she expected the United States to strike her first, especially during some intense international crisis or a limited war.

However improbable a defensive first strike incited by misapprehension of a surprise attack may be, it is at least more plausible than a Soviet "Pearl Harbor" attack, which has continued to dominate American strategic thinking. In any case, the announced fear of such a defensive strike has already, by implication, carried the government beyond the objective of passive deterrence to that of "negative deterrence" or "preventive assurance," which aims to discourage a first strike by assuring the adversary that one does *not* intend to strike him first;[16] whereas active deterrence depends upon convincing him that one *might* strike first, and passive deterrence depends upon convincing him that one *can* deliver unacceptable retaliatory damage if *he* strikes first.

Thus in his statement on February 18, 1960, Secretary Herter, in suggesting measures for exchanging information with the Soviet Union through aerial and ground inspection, said,

> If these safeguards are effective, there will be less chance of one side being moved to surprise attack by a mistaken belief that the military moves of the other side portend such attack. This danger may be particularly acute in a major international crisis, when tensions are high and both sides are moving to heightened readiness.[17]

President Eisenhower, in presenting his proposal for a U.N. surveillance body to the General Assembly on September 22, explained its purpose in similar words:

> The advent of missiles, with ever-shorter reaction times, makes measures to curtail the danger of war by miscalculation increasingly necessary. States must be able quickly to assure each other that they are not preparing aggressive moves—particularly in international crises, when each side takes steps to improve its own defenses which might be misinterpreted by the other. Such misinterpretation, in the absence of machinery to verify that neither was preparing to attack the other, could lead to a war which no one had intended or wanted.

"The United States," he said, "wants the Soviet Union and all the nations of the world to know enough about United States defense preparations to be assured that United States forces exist only for deterrence and defense—not for surprise attack."[18]

As President Eisenhower's remarks indicate, the recent concern about negative deterrence has arisen chiefly because of the rapidly increasing speed, range, accuracy, and power of nuclear missiles. For missiles with these qualities might deliver a devastating surprise attack with very little warning. The potential victim of such an attack, in order to preserve his second-strike capability or, perhaps, to limit his damage by blunting the aggressor's striking power, must reduce his reaction time to a warning of attack to the minimum; and, at best, the United States and the Soviet Union could receive scarcely thirty minutes' warning from the time of launching. The reduction of reaction time, in turn, increases the possibility that the imagined victim may feel compelled to launch a defensive first strike himself because he mistakenly believes that the adversary is about to launch or has already launched a first strike on him; for even if the advantage of delivering a defensive surprise attack were in doubt, the prospective victim might prefer to take the risks of delivering the first strike rather than the risks of receiving it. Thus, although neither power wished to launch an offensive strike, either side might initiate a defensive strike on the misapprehension that the other had launched or would imminently launch the first strike, if only because *he* feared receiving a first strike. This misapprehension might arise from a miscalculation of intentions or a misinterpretation of warning information.

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[16] Properly speaking, negative deterrence is not deterrence at all, since to deter is to discourage a hostile action by frightening the actor. However, since there is no English word for preventing an action by negating or alleviating fear, there may be some advantage to calling such preventive assurance "negative deterrence" in order to suggest that fear and the negation of fear may serve the same purpose.

[17] *New York Times*, May 26, 1960, p. 6.

[18] *Ibid.*, September 23, 1960, p. 14.

The appearance of a doctrine of preemptive attack in Soviet military writings in 1955 has lent credence to Western fears of a Soviet defensive strike.[19] Although some military specialists have suggested that the Soviet preemptive doctrine may be the guise for an offensive knockout blow, in the light of the Soviet preference and opportunities for less drastic forms of offensive action it seems more plausible to suppose that it is aimed at deterring or blunting an American offensive first strike. For that matter, although a preemptive doctrine has received only partial and unofficial support in American military and civilian circles, the government's frequently proclaimed fear of a Pearl-Harbor-type aggression suggests that the United States might also feel compelled, during some intense crisis, to launch a defensive first strike because of a misapprehension of Russian intentions.

Officially and unofficially, a number of measures—some unilateral and some requiring international agreement—have been suggested to stabilize negative deterrence.[20] The most obvious unilateral measure is to abstain from the provocative mobilization, deployment, and maneuver of nuclear weapons.[21] To the extent that one's second-strike capability depends upon a quick and irrevocable reaction to early warning of a surprise attack, this kind of provocation will be difficult to avoid. This suggests that a second-strike capability so invulnerable that it need not react precipitantly is a virtual prerequisite of negative deterrence. Such a capability would logically compel a state contemplating a defensive first strike to interpret the adversary's *probable* intentions and actions very conservatively in the light of the *certainty* of receiving unacceptable damage in retaliation against a first strike. It would relieve a state of the necessity for keeping such a quick trigger finger on its retaliatory force as to preclude a thorough and cautious appraisal of the existence or source, scope, and intention of an enemy attack before delivering a counterstrike. And, if an enemy strike occurs, such an invulnerable second-strike capability could at least hold open the possibility of ending hostilities short of a catastrophic sequence of unrestrained nuclear exchanges, which might otherwise be automatic regardless of the political circumstances. Furthermore, it would avoid the implication, which might be conveyed by a vulnerable striking force, that one's striking power was intended *only* for delivering a first strike because it could not survive a surprise attack. Concealment and mobility will be the most effective attributes of invulnerability as the numbers and accuracy of missiles increase. They may also be less provocative attributes than increasing the numbers and dispersion of missiles, since they do not so directly threaten the invulnerability of the adversary's striking force.

If the United States were confident of possessing a sufficiently invulnerable second-strike force to survive a first strike and deliver unacceptable damage in return, she could afford clearly to renounce recourse to a preemptive blow and publicly adopt a policy of not launching missiles until hostile missiles had actually struck her territory or bases, along with a policy of graduated strategic retaliation to suit the nature of the attack. Thus, instead of investing in expensive electronic early-warning devices, which would be subject to technical misinterpretation and would put a premium upon quick reaction, the United States might use that money to buy invulnerability. Even if the Russians did not trust the renunciation of preemptive strikes, the policy itself would be a considerable safeguard against the precipitation of a thermonuclear war by miscalculation, accident, or (in the age of nuclear diffusion) anonymous or pseudonymous attack.

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[19] The Soviet doctrine of preemptive attack is discussed in Raymond L. Garthoff, *Soviet Strategy in the Nuclear Age* (New York, 1958), and, at greater length, in Herbert S. Dinerstein, *War and the Soviet Union* (New York, 1959), and Garthoff's sequel: *The Soviet Image of Future War* (Washington, D. C.: Public Affairs Press, 1960).

[20] See Thomas C. Schelling's seminal discussion of different kinds of safeguards against surprise attack, "Surprise Attack and Disarmament," in Klaus Knorr (ed.), *NATO and American Security* (Princeton, Princeton University Press, 1959).

[21] The flight of manned bombers is a case in point. The Air Force has argued for the continued utility of manned bombers in the missile age partly on the grounds that, because they can be called back, they can be launched on less than certain warning information and also on the grounds that, in an airborne alert, they serve a psychological purpose as a visible sign on Communist radar screens of American preparedness. However, as Chief of Staff General Thomas D. White has conceded, these qualities might also be provocative, in that they could suggest that the United States was launching a first strike. Testimony on February 3, 1960, before the Preparedness Investigating Subcommittee, Senate Committee on Armed Services, *Missiles, Space, and Other Major Defense Matters*, 86th Cong., 2d sess., pp. 137–38.

Pursuing the rationale of unilateral renunciation further, the United States might explicitly renounce a first-strike strategy as an instrument of active as well as passive deterrence, at least to the extent of declaring that she would use nuclear weapons only if they were used against her or her allies. She might then secure the agreement of her NATO allies to this principle and even seek the endorsement of the U.N. General Assembly. To enhance the credibility of this renunciation, she might make it as obvious as possible—by conspicuously foregoing or disclosing certain weapons and their deployment—that she did not possess and did not intend to acquire the kind of capabilities that would be useful for a first strike. Thus, instead of undertaking an ambitious program of satellite reconnaissance, designed to discover military installations and deployments, the United States might publicly renounce the use of such satellites and invite Soviet inspectors to verify the renunciation.

Carrying the logic of negative deterrence still further, the United States might unilaterally grant the potential *aggressor* an invulnerable second-strike capability, too. For, logically, negative deterrence is served as well by the adversary's possession, as by one's own possession, of the kind of striking force that permits the conservative appraisal of intentions and actions, obviates the need for a trigger-quick response, and avoids a provocative posture. It follows that any American capability or action that threatens the invulnerability of Russia's striking power—like great counterforce capabilities, aerial reconnaissance, or harassment of Soviet communications, radar, or missile-launching submarines—works against the stability of the military environment. It is not easy to draw an obvious distinction between first-strike and second-strike capabilities, but the objective of providing mutual assurance against surprise attack requires, as a necessary condition for the effort, that second-strike capabilities should be maintained by increasing one's own invulnerability, not by trying to decrease the enemy's.

The advantage of all these unilateral measures of negative deterrence is that they do not necessarily require the formal collaboration of the adversary in order to achieve their purpose, yet most of them could be the object of an appeal for informal reciprocity on the basis of mutual interest. For example, if orbiting armed missiles seem particularly provocative, then instead of continuing to ask in vain for an international agreement to prohibit this, the United States might borrow a leaf from the Soviet experience with a nuclear test ban and announce that we would not orbit armed missiles if the Soviet Union also abstained; and we might even offer to exchange inspection teams at missile-launching sites in order to verify the pledges.[22] Or if, on the other hand, orbiting armed missiles should seem like a stabilizing measure of invulnerability, we might promise not to shoot down Russian missiles if the Russians refrain from shooting down ours.

In a period in which the complexity and uncertainty of the requirements of deterrence and a rapidly changing military technology combine with a fundamental political conflict to render any military cooperation between potential belligerents rudimentary, fragile, and tentative, the promotion of reciprocal restraints requires the flexibility of informal and tacit agreements, which can be formed, altered, or abandoned without involving the prestige or good faith of the parties too directly. Given a suitable military strategy and capability in the West, what is needed to consolidate a base of mutual interest in negative deterrence is not complicated formal schemes of cooperation, verification, and sanctions but, rather, the development of simple, obvious, and reliable informal restraints and the cultivation of purposeful communication between the parties,[23] even if it is only the language of reciprocal acts of abstention, like those that kept the Korean War limited.

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[22] The assumption that orbiting armed missiles render an adversary more vulnerable to a first strike—whether delivered intentionally, accidentally, or by miscalculation—than land-based or sea-based missiles probably has more to do with psychology than military logic. However, this does not make them any less provocative.

Even without inspection, both sides might have sufficient information to verify each other's adherence to the mutual abstention; for if the missiles were intended for deterrence, they would be announced; and, if they were not announced, the great number of missiles that would have to be orbited in order to be useful for an offensive surprise attack would arouse suspicions of their purpose.

[23] Henry A. Kissinger and Thomas C. Schelling have suggested that, physically, such communication could be promoted by the establishment in the United States and the Soviet Union of observation and communications teams with special equipment capable of instantaneous communication to the Soviet and American governments and between the two. Kissinger, "Arms Control, Inspection and Surprise Attack," *Foreign Affairs*, Vol. 38 (July, 1960), pp. 566–67; Schelling, "Arms Control: Proposal for a Special Surveillance Force," *World Politics*, Vol. 13 (October, 1960), p. 11.

In a more "structured" international environment, mutual assurance against surprise attack might be served best by formal agreements which specified, elaborated, and regularized the modes of military cooperation, so that the parties to the agreement would have less ambiguous tests of each other's observation or violation of reciprocal restraints—especially during crises, when informal cooperation and communication might break down. Presumably, the Eisenhower administration's proposal for international machinery to enable states to verify each other's abstention from surprise attack reflected a lack of faith in the power of tacit and informal understandings to provide this mutual assurance (and also, perhaps, a belief that any formal agreement with the Russians is a confidence-building step to further agreements). Yet, in the present atmosphere of well-founded international suspicion it is doubtful that mutual assurance of peaceful intentions can be more readily achieved by precise and explicit formal tests than by ambiguous and tacit informal tests. Rather, the formal tests, in proportion to their elaborateness, are likely only to increase the opportunities for, and therefore the suspicions of, both sides dissembling their intentions and manipulating the modes of cooperation for hostile purposes. If only because of their high rate of technological obsolescence, elaborate international inspection and surveillance schemes would be peculiarly susceptible to subversion or simple misunderstanding, so that, in proportion to the cooperation they required, they might actually incite the fear and suspicion they were intended to allay.

Nevertheless, one can imagine formal bilateral and multilateral agreements that might incorporate adequate methods of disclosure and verification and yet contain sufficient safeguards against deception and subversion to enhance mutual assurance against surprise attack, assuming that the potential belligerents could be induced to adopt them in the first place.[24] Whether formal or informal agreements would actually provide such mutual assurance is impossible to determine in the abstract, in the absence of national and international study, negotiation, and perhaps actual trial of specific agreements. However, from the standpoint of stabilizing the military environment, the difficulty with both formal and informal agreements is not only that they might not achieve their objective of enhancing negative deterrence but also that, whether they achieved it or not, they might conflict with active and passive deterrence.

If active deterrence depends upon the credibility of one's threat of initiating the use of nuclear weapons against conventional aggressions, and one does not rely upon *limited* nuclear war as an alternative to conventional resistance, then the efficacy of this first-strike strategy must certainly depend upon exploiting the advantages of a surprise attack. Therefore, only a strategy of active deterrence that does not depend upon the threat of a first strike is compatible with a strategy of providing assurance against surprise attack. A nation that wishes to avoid provoking a defensive first strike but does not wish completely to renounce the resort to nuclear war against non-nuclear aggression must logically strive for some balance between assuring the adversary that it does *not* intend to strike first in some circumstances and convincing him that it *might* strike first under other circumstances.

Some measures of negative deterrence are also incompatible with passive deterrence; for if passive deterrence depends upon an invulnerable second-strike force, and invulnerability depends upon concealing one's striking force and creating uncertainty about its numbers, composition, and deployment, then measures that reveal the nature and location of one's striking force might actually encourage a surprise attack.

The diffiiculty of balancing negative deterrence with active and passive deterrence is particularly significant with respect to multilateral agreements of military cooperation designed to increase information about striking forces and formalize obligations to observe restrictions upon them. This difficulty would be only partially mitigated by agreements designed to disclose positive evidence of peaceful intentions by occasional inspections rather than to provide negative evidence by continual surveillance. Technically, President Eisenhower's proposal of international surveillance machinery would not obligate a nation to submit to inspection if it did not wish to "prove its own peaceful intention." But although the Soviet Union might readily use this provision to request or prevent inspection, according to expediency under different circumstances, the United States would find it awkward to turn the machinery off or on depending upon whether she wished to rely upon active nuclear deterrence, enhance negative deterrence, or protect passive deterrence. The very existence of the machinery might create irresistible pressures upon her to use it. Yet to turn the machinery on during a crisis might jeopardize active or passive deterrence; whereas to turn it off would destroy its future utility and constitute a serious provocation in itself.

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[24] In the articles cited above, Kissinger and Schelling outline such agreements, designed to enable the parties to provide each other with positive evidence that they are not preparing a surprise attack.

Therefore, if the United States undertakes the simple unilateral measures of negative deterrence—particularly, avoiding provocative forces and deployments, building an invulnerable second-strike capability, and de-emphasizing or renouncing a first-strike strategy and its supporting counterforce capabilities—it need not wait for Russian acceptance of elaborate cooperative schemes of mutual assurance in order to mitigate the danger of a defensive surprise attack. It would be unfortunate if, in our preoccupation with the detailed formal agreements that monopolize our attention in the arena of disarmament, we neglected the opportunities for stabilizing the military environment by unilateral means and tacit agreements. However, the only conclusion one is warranted in stating at this early stage in the study of negative deterrence through arms control is, not that all formal multilateral agreements of mutual assistance are unprofitable, but that any measure of negative deterrence should be integrated with measures of active and passive deterrence within an overall strategy of stability.

VII. THE NEED FOR AN OVERALL STRATEGY OF STABILITY

Let us summarize these observations on the stability of the military environment. The stability of the military environment is not an automatic result of the strategic nuclear arms race. On the contrary, the balance of deterrence upon which such stability must rest contains an inherent element of instability, which is aggravated by rapid technological change. To mitigate this element, stability must be achieved in all sectors of the military environment, lest stability in one sector create instability in another. This means that comprehensive stability can be achieved only at the price of foregoing or de-emphasizing some deterrent capabilities and strategies for the sake of a balanced combination of active, passive, and negative deterrents. The most significant price must be paid in terms of active deterrence by nuclear reprisals, but the de-emphasis upon nuclear reprisals can purchase stability only if it is accompanied by a substantial increase in local resistance capabilities. If stable active and passive deterrence is achieved, the greatest threat to military stability in the missile age will be the possibility of a defensive strike by misapprehension, a contingency which must be prevented by negative deterrence (or mutual assurance against surprise attack). In deterring defensive surprise attacks, the most significant contributions to stability are measures that the West can undertake unilaterally and by tacit agreement; but to achieve its purpose, any measure of negative deterrence must be integrated with measures of active and passive deterrence within an overall strategy of stability.

Considering the problem of stabilizing the military environment when deterrence is, essentially, a relationship between two nuclear powers, one must expect the diffusion of independent nuclear capabilities to other powers—and especially to powers not aligned with the United States—to create instabilities of a new order of magnitude and complexity. However, the momentous military and political consequences of the prospect of nuclear diffusion and its relation to military stability is a subject in itself, beyond the scope of this essay.

The preceding discussion should be sufficient to suggest that, merely in terms of bipolar deterrence, the pursuit of a stable military environment as a primary disarmament goal amounts to a major policy decision with significant implications for national and allied military strategy and defense policies. If the American government does not consciously weigh this decision in full recognition of these implications within the context of an overall strategy of stability, it is in grave danger of drifting into the anomalous position of remaining dependent upon a strategy of active deterrence by nuclear reprisals, while in the name of stability it steadily undermines the credibility of this strategy and encourages instability below the threshold of direct nuclear aggression.

In 1960 the government showed few signs of reconciling the contradictions within its deterrent strategy or the contradictions between its military strategy and its arms control policy. Thus the United States continued to rely primarily upon the threat of nuclear retaliation to deter non-nuclear aggression in the NATO area; for it had declared that NATO is dependent upon a nuclear response to any conventional aggression larger than a border incident or probing action and had denied the possibility of fighting even a conventional limited war in the area.[25] Yet President Eisenhower, while proclaiming America's unwillingness and inability to fight a war of local resistance on the ground and emphasizing his conviction that any war in Europe would become a thermonuclear war, had also declared that such a war would be "self-defeating" and would bring about "the destruction of civilization as we know it."[26]

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[25] For an analysis of SACEUR General Norstad's position on this point, see my "NATO: Problems of Security and Collaboration," this REVIEW, Vol. 54 (March, 1960), pp. 121–23; for

This declaratory position logically left the United States dependent upon a first-strike strategy for deterring aggression upon its NATO allies, although it is difficult to see what advantage there could be in striking first in a "self-defeating" war. Yet the Eisenhower administration, despite certain concessions to the Air Force's appeals for full-scale counterforce capabilities, did not remotely begin to undertake the massive buildup of the only kind of strategic striking capability that could conceivably give the United States an advantage in striking first; that is, a counterforce capability that could knock out enough of Soviet striking power to confine her retaliatory damage to an acceptable level. Nor did it show any interest in the kind of civil defense program that might contribute to the same purpose. Instead, in the debates of 1959 and 1960 on the "missile gap" or "deterrent gap," as in the debates on airpower in 1956, it proposed and defended the size and composition of America's strategic striking power entirely in terms of passive deterrence and a second-strike capability, while apparently striking a rough compromise between the minimum counter-city capability, advocated by the Navy and Army in terms of "minimum deterrence," and the counterforce win-the-war capability proposed by the Air Force.[27]

At the same time, the Eisenhower administration, to the end, was adamantly opposed to compensating for the declining credibility of active nuclear reprisals by enlarging local resistance forces. Instead, it remained wedded to the thesis (with which neither the Army, the Navy, nor any prominent outside observer agreed) that nuclear firepower would compensate for a reduction of mobilized manpower, and that the forces that would prevent a big war would also prevent a small war, since the chances of even a limited war growing into a thermonuclear conflagration would deter all overt military aggression.

In this context of military strategy and capabilities the American government pursued in its disarmament policy the prime objective of creating a more stable military environment, chiefly by measures of negative deterrence intended to provide mutual assurance against surprise attack. Whether or not these measures would actually promote negative deterrence if the Russians should agree to them, the mere desire to achieve them was bound to help undermine the strategy of active nuclear deterrence upon which the West still largely depended. It was bound to undermine that strategy, not because there was much likelihood of reaching an agreement with the Russians on a scheme of mutual assurance against surprise attack or even because such a scheme would actually provide mutual assurance if the Russians accepted it, but simply because this position indicated more clearly than existing military capabilities that the government had turned from stressing its determination to deliver a first strike, as at the time of Dulles's "massive retaliation" pronouncement in 1954, to stressing its common interest with the Russians in *not* delivering a first strike. This radical shift of emphasis

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Secretary of Defense McElroy's denial of the possibility of limited warfare in Europe, see his statements to the House Appropriations Subcommittee in April, 1958, Hearings, *Department of Defense Appropriations for 1959*, 85th Cong., 2d sess., p. 370, and in January, 1959, Hearings, *Department of Defense Appropriations for 1960*, 86th Cong., 1st sess., p. 68; see also his statements on May 29 and June 6, 1958, *New York Times*, May 30, 1958, p. 3; June 7, p. 9.

[26] Remarks on the Berlin crisis in a press conference, *New York Times*, March 12, 1959, p. 12; remarks at state dinner in Manila, *ibid.*, June 16, 1960, p. 14.

[27] For explicit statements of the guiding concept of deterrence and deterrent capabilities by military and civilian officials, see Subcommittee on the Air Force, Senate Committee on Armed Services, Hearings, *Study of Airpower*, 84th Cong., 2d sess., pp. 10, 102; House Committee on Appropriations, *Department of Defense Appropriations for 1960*, pp. 71, 329–30, 477, 591, 594; Preparedness Investigating Subcommittee, Senate Committee on Armed Services, Hearings, *Missiles Space, and Other Major Defense Matters*, p. 194; Subcommittee of House Committee on Appropriations, Hearings, *Department of Defense Appropriations for 1961*, 86th Cong., 2d sess., pp. 4, 26, 36. In these hearings only Air Force spokesmen occasionally suggested that the purpose of a strategic striking force might also be to deliver a first strike in response to an attack upon America's allies or in order to preempt an imminent strike upon the United States: House Committee on Appropriations, *Department of Defense Appropriations for 1960*, p. 929; *Department of Defense Appropriations for 1961*, pp. 232–33.

represented nothing less than America's tacit acceptance of the psychology of mutual deterrence, reflecting the condition of parity in destructive capabilities, in place of the psychology of unilateral deterrence, which reflected America's monopoly of terror. The credibility of a first-strike strategy is bound to wither in an atmosphere of mutual deterrence.

Moreover, the unqualified manner in which the Eisenhower administration endorsed the advantages of military disclosure as an instrument of negative deterrence suggested that it might not have reconciled its arms control policy with its military strategy of passive deterrence. For while President Eisenhower was telling Congress and the nation the great advantages of invulnerability that the United States would derive from its Polaris submarine program, which capitalizes upon concealment, he was telling the U.N. General Assembly about the dangers of concealment. "In an age of rapidly developing technology," he asserted in his September 22 address, "secrecy is not only an anachronism—it is downright dangerous. To seek to maintain a society in which a military move can be taken in complete secrecy, while professing a desire to reduce the risk of war through arms control, is a contradiction."

VIII. THE RELATION OF THE MILITARY TO THE POLITICAL ENVIRONMENT

These contradictions in armament and disarmament policy indicate that at the end of 1960 the United States lacked and badly needed an overall strategy of stability in order to coordinate military strategy with arms control policy and one strategy of deterrence with another. However, an overall strategy of stability cannot properly be formulated merely in terms of the military environment; it must also take account of the relation of the military to the political environment. A central aspect of this relation concerns the Communist view of stability.

Perhaps, in our conviction of the absurdity and "impossibility" of nuclear war, we have exaggerated the autonomous effect of a novel military technology in stabilizing—or, for that matter, unstabilizing—the military environment. After all, military conflicts still arise from political conflicts. They are not created spontaneously by the military configurations of power themselves. Therefore, we should not expect the wisest choice of military deterrents to eliminate all warfare from international relations, especially warfare that springs from political conflicts beyond the control of the major nuclear powers. And, by the same token, we should not expect a common Soviet and American interest in avoiding suicidal war and an unrestricted arms race to engender, by itself, much cooperation in alleviating the political sources of tension and conflict, until some basic political accommodations take place. In short, we should not expect a reversal of the historical relationship between arms and politics, which renders a stable political environment the condition, not the result, of a stable military environment.

To accept the complete stability of the military environment would mean to give up even the *threat* of war as an instrument of policy; but to give up the threat of war would be to accept the political *status quo* or else to be content to alter it by non-military means alone. As permanent policies, the first would be directly contrary to Communist doctrine and practice and to currently announced expectations; the second would require the permanent satisfaction of the Communist powers with the opportunities for aggrandizement through the post-Stalinist tactic of peaceful coexistence. Both courses are too improbable to be safe grounds for Western policy. Consequently, the Western powers should guard against repeating the previous confusion of democracies in mistaking their own longing for peace and order for the pacific intentions of a revolutionary power, which is really bent upon exploiting their longing in order to weaken their will and ability to resist.

In what respects and on what terms, then, might the Communist powers accept the stabilization of the military environment? Temporarily, they would seem to have accepted stability to the extent of avoiding overt military action, while they pursue their undeviating goal of political preponderance by non-military means in the expectation that their sheer economic and scientific progress will alter the world balance of power decisively in their favor. In this respect, the vulnerability of the "zone of peace" to Communist pressure and blandishments is the West's greatest deterrent to overt military aggression; but this is not a situation that recommends itself as a policy.

On the other hand, neither the Soviet Union nor Communist China shows any interest in stabilizing the military environment as a general goal. The Chinese continue to seek what they consider to be vital territorial interests, as in the Formosa Straits, by means which do not exclude open warfare and which certainly depend upon the indirect pressure of a huge and progressively more modern military establishment. And Soviet leaders manifest a disturbing new confidence in Russia's military ascendancy, which they seem eager to exploit for diplomatic and propagandistic purposes. Apparently, they are uninterested in mollifying the West's fears of nuclear war, which arise from the instabilities of the balance of terror. On the contrary they show considerable skill in playing upon these fears for the purposes of dividing the Western coalition, intimidating allies who provide strategic bases, undermining the uncertain *status quo* in the center of Europe, seizing the propaganda initiative in disarmament discussions, and presenting Russia to the uncommitted nations as the champion of peace. Undoubtedly, the Kremlin is pleased to receive assurance against an American first strike through America's policies, actions, and statements as well as through the growth of her own retaliatory power; but she shows no desire to reciprocate. Rather, she remains inveterately suspicious—and not without some color of reason—that the proposed cooperative measures of mutual assurance against surprise attack are merely devices for redressing America's inferior espionage capabilities in order to facilitate a first strike.[28]

The difference between the Soviet and the American views of negative deterrence is political, not technical; and for this reason it is unlikely that the Communist powers can ever go very far toward accepting an agreement that would formally acknowledge that their military security depends upon military cooperation with non-Communist powers and a drastic curtailment of their military secrecy. Consequently, in the absence of a convincing posture of active deterrence based upon non-nuclear resistance, America's concern to allay mutual fears of surprise attack by international agreement seems more apt to encourage the Soviet Union to play an adventurous game than to induce her to cooperate in establishing safeguards against the hazards of the missile age.

However, this is not to say that there is no solid ground of mutual interests upon which the United States can reasonably hope to secure Soviet cooperation in stabilizing the military environment. It is only to say that the Soviet appreciation of this ground and Soviet willingness to act upon it will depend not so much on American ingenuity in devising schemes of formal cooperation as, first, on American resolution in developing with her allies a consistent posture of active, passive, and negative deterrence that is credible without being provocative and, secondly, on American skill in utilizing this posture to achieve tacit and informal agreements.

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[28] The American government gave some credence to Soviet suspicions when, after the U-2 mishap, it argued, on the one hand, that the United States had been compelled to undertake the U-2 espionage program in order to get the kind of intelligence data that the Soviet Union could readily acquire by ordinary means in our open society and, on the other hand, that the unfortunate incident resulting from this necessity demonstrated the urgent need for an "open skies" agreement to secure the same kind of information on an international basis. Although the U-2 program was publicly justified in terms of gaining protection against surprise attack, the kind of information it evidently secured—for example, the construction of missile bases—could not give tactical early warning of a Soviet surprise attack in the missile age. On the other hand, this kind of information could be useful for an American surprise attack. In his radio and television address to the nation explaining the U-2 incident and the collapse of the summit conference, President Eisenhower, in comparing the ease with which the Soviet Union could acquire militarily useful information about the United States with the United States' difficulty in acquiring such information about the Soviet Union, referred not only to information about cities but also about such facilities as dams and highways; and, in showing the kind of vital information the U-2 could secure he displayed an aerial photograph of an American air base. *New York Times*, May 26, 1960, p. 6. Actually, it is not clear whether the U-2 program, at the time of its demise, was intended to be an instrument of a counterforce first-strike or second-strike strategy; but, as a general instrument of protection against a surprise attack, it was evidently a remnant of pre-missile technology, when surveillance of highways, communications centers, and bases might have given useful warning.

INTERSERVICE COMPETITION AND THE POLITICAL ROLES OF THE ARMED SERVICES*

Samuel P. Huntington
Columbia University

"Conventional wisdom" (to purloin a phrase from Galbraith) holds that interservice competition necessarily undermines economy, efficiency, and effective central control in the military establishment. The remedy is further unification, possibly even the merger of the services into a single uniform. The conventional wisdom also holds that political action by military groups necessarily threatens civilian control. The remedy is to "keep the military out of politics." The pattern of American military politics and interservice rivalry since World War II, however, suggests that the conventional wisdom may err in its analysis of their results and falter in its prescription of remedies.

I. THE ROOTS OF INTERSERVICE RIVALRY

Service political controversy between the world wars had two distinguishing characteristics. First, on most issues, a military service, supported, perhaps, by a few satellite groups, struggled against civilian isolationists, pacifists, and economizers. The Navy and the shipbuilding industry fought a lonely battle with the dominant forces in both political parties over naval disarmament. The Army lost its fight for universal service after World War I, and throughout the Twenties clashed with educational, labor, and religious groups over ROTC and with other groups over industrial mobilization preparation. In the annual budget encounters the issue usually was clearly drawn between service supporters who stressed preparedness and their opponents who decried the necessity and the legitimacy of substantial military expenditures. To the extent that the services were in politics, they were involved in conflicts with civilian groups. Behind each specific opponent of the moment was that broad and deeply ingrained anti-military sentiment which had characterized American society since the eighteenth century. By the end of the Coolidge administration this sentiment was so far in the ascendancy that the appropriations for the Army and the Navy together had been whittled to about $750 million in a total annual budget of just under $4 billion.

Second, each service waged its own political battles independently of the other. Throughout the 1920s and 1930s, the services cooperated in strategic planning through the Joint Board and in a few other enterprises. Strategic planning, however, involved no immediate claims upon scarce resources. It produced some disagreement but no real political conflict. The most significant intramilitary controversies involved the efforts of the two semi-services, the Air Corps and, to a lesser extent, the Marine Corps, to achieve greater autonomy and *de jure* recognition as services. The two major services, however, seldom fought each other politically and virtually never helped each other. They were distinct departments. Separate legislation, handled by separate Military and Naval Affairs Committees in both houses, established and organized them, authorized their strengths and prescribed their systems of promotion and recruitment. Separate appropriations subcommittees provided their funds in separate supply bills. The political successes and failures of one service had little implication for the other: the National Defense Act of 1920 boded neither good nor ill for the Navy; the Vinson Acts of the 1930s neither assumed nor precluded an increase in the Army. Each service struggled along in its own world with its peculiarities and preoccupations, its own friends and enemies.

In some respects this interwar pattern of relationships persisted into the postwar period. The traditional service-civilian conflict reappeared in the struggles between the Navy and the State Department over the Japanese mandates, the military and the scientists over the control of atomic energy, and the Army and a number of civilian groups over universal military training. These conflicts, however, were holdovers from a previous era. The primary locus of service political activity shifted drastically. World War II destroyed the separate political universes of the services. The development of new weapons and the emergence of a new role for the United States in world affairs meant a change in their old functions and activities. Service futures were now interdependent. The concerns which each service felt for the future tended to focus into a concern over the effect of the other services on that future. A unified defense organization meant competition over organizational position and strategic doctrine. A unified appropriations process meant competition for funds. The interservice battle over unification between 1944 and 1947 was not only a model of battles to come, but it also shaped the nature of those battles. Interservice rivalry was the child of unification. Both reflected the unity and complexity of modern war, and without the one, the other would never have come into existence.

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The transition from civilian-service controversy to interservice controversy as the main focus of service political activity was graphically illustrated in the struggle over UMT between 1945 and 1948. The lines of battle were initially drawn between the Army and certain patriotic and veterans groups on the one hand, and various civilian educational, religious, pacifist, and farm groups on the other. The opposition, one War Department consultant declared, included "subversive groups and a large section of the public which does not think."[1] The opponents replied with dire warnings of the dangers of militarization. Here was a conflict in the classic pattern of the 1920s and 1930s with all the familiar arguments, clichés, and symbolism. The resolution of the issue in 1948, however, reflected not so much the relative strength or persuasiveness of the two coalitions as it did the relative appeals of the Army and Air Force strategic doctrines. The issue was redefined from "UMT *vs.* no-UMT" to "UMT *vs.* a seventy-group Air Force." "The effect of the Finletter report and of the Brewster-Hinshaw Board," Forrestal noted in his diary for March 8, 1948, "has been to convince the country that by a substantial increase in appropriations for Air, there would be no necessity for UMT . . ."[2] Congress added $822 million to Air Force appropriations, and the UMT legislation died in committee. The conflict of the Army and its affiliated groups against an extensive coalition of civilian groups became a conflict of one service against another.

The rise of interservice rivalry had a direct impact on civil-military relations. Potential conflict between civil and military institutions was sublimated and deflected into conflict among the services. Interservice controversy substituted for civil-military controversy. Two crucial foci of civil-military relations in modern states have been between the foreign office and the military, on the one hand, and between the military and the budgetary agencies, on the other. American civil-military relations in the postwar decade, however, were characterized by the relative lack of sharp conflict between a united military establishment and either the State Department or Budget Bureau. Service rivalry permitted the civilian agencies to pick and choose. When the State Department wanted to reinforce Europe in 1950, elements in the Air Force took a skeptical attitude, but the Army moved in to help develop and merchandise the policy. Conversely, when the Secretary of State later spoke of massive retaliation, the Army dissented, but the now-favored Air Force congratulated the diplomats on their military common sense. When the budget was reduced in Fiscal 1954, Vandenberg made his futile protests while the Army and Navy sat on the sidelines. When it was reduced in Fiscal 1955, the Air Force was pleased with the new emphasis, and the Army fought alone against the cuts. Civil-military relations before and after the Korean War would have been far different if the frustrations generated by the Johnson and Wilson budgets had not in part been dissipated in decrying other services and other strategic doctrines. Indeed, at no point after World War II were the President and his Budget Bureau confronted with a truly joint, integrated military program, publicly announced and supported by all military men as the indispensable minimum for national security. The *imprimatur* which the Joint Chiefs bestowed upon force-level recommendations was seldom more than *pro forma*. The "minimum" programs were service minimum programs for 70, 143, or 137 wings; for one *United States*, ten *Forrestals*, or a series of nuclear carriers; for twelve, twenty-four, or twenty-seven divisions. Each service chief tended to attack not the overall ceiling on the military budget but rather the allocation of the budget among the services.[3] The oft-commented-upon failure of the American military to have a distinctive "military viewpoint" on national policy after World War II was not unrelated to the presence of distinctive service viewpoints.

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[1] Hearings, *War Department Publicity and Propaganda Relating to Universal Military Training*, House Committee on Expenditures in Executive Departments, 80th Cong., 1st Sess., pp. 31, 38.

[2] Walter Millis (ed.), *The Forrestal Diaries* (New York, 1951), p. 388.

[3] See, *e.g.*, Gen. Maxwell D. Taylor, *The Uncertain Trumpet* (New York, 1960), pp. 63–64, 74.

In almost every modern state, the division of the military forces into two or more separate groups has been used to bolster civilian control. Totalitarian states create SS or MVD troops to check their regular forces. The Founding Fathers provided for both a militia and a regular army. After World War II, interservice rivalry played a similar role. "I want competition," Representative Vinson is quoted as declaring.[4] Interservice rivalry not only strengthened civilian agencies but also furnished them with a whipping boy upon whom to blame deficiencies in the military establishment for which just possibly they could be held responsible.

Interservice controversy rendered unlikely any military rejection of the civilian world and its values, such as occurred in the late nineteenth century and between the two world wars. Civilian agencies were now more frequently arbiters than opponents, and each service was impelled to adjust its values and interests to those of influential civilians or to risk falling behind its rivals. Interservice conflict stimulated a politicization of the military which meant both a less military attitude in dealing with civilians and more sophisticated political techniques in dealing with other military groups. Implicitly, service activity directed at other services was more acceptable than serice activity directed at civilians. The services themselves found it easier and more virtuous to tangle with each other than to challenge civilian groups and arouse the hallowed shibboleths of civilian control.

Despite these functions which it apparently served, interservice rivalry nevertheless was often denounced by civilians as the source of many evils in the Department of Defense. Interservice harmony, the elimination of duplication (rational organization), reduced costs, and greater unification were often seen as directly related; and the achievement of interservice harmony, it was argued, was a step toward the achievement of the others.[5] If this were the case, however, it is indeed strange that political and military leaders so persistently refused to realize these values. Why wallow along with interservice bickering, duplication, needless expenditure, and administrative disunity, if they could all be eliminated or reduced together by taking a few simple steps? The relations among these goals were considerably more complex than they superficially appeared to be.

Interservice competition was not so much a cause of decentralization, duplication, and increased expenditures as it was the result of the desire to eliminate these supposed evils. More harmony among the services could be bought at the price of disunity, duplication, higher costs. It is generally conceded, for instance, that the less money there was in the military budget, the more intense and bitter was the competition of the services for it. Similarly, interservice competition in the postwar decade originated in unification, and efforts to increase unification usually tended to produce greater interservice competition. "If you try to put on the heat too much right now," Admiral Radford observed in 1958 with respect to the authority of the Secretary of Defense over the services, "they all take refuge in the law and you actually drive them apart."[6] On the other hand, the less unification there was, the greater the freedom of the services to go their own way, the less they feared control by a central organ dominated by a hostile service, and the less the likelihood of serious interservice rivalry. In comparable fashion, duplicating ambitions were a cause of interservice rivalry; duplicating programs and functions a means of reducing that rivalry. Both the Army and the Air Force wanted to develop, produce, and operate intermediate range ballistic missiles. This conflict of ambitions was, in part, mediated by allowing both services to produce their respective missiles. In one sense, duplication was a result of interservice rivalry, but it was a result which tended to reduce its cause, and efforts to decrease duplication tended to increase interservice tensions.

Interservice harmony could thus be achieved at the sacrifice of reduced expenditures, rationalized organization, and greater unification. In addition, interservice peace would probably have certain costs in decreased civil-military harmony. Conversely, the achievement of these other values was only possible by accepting a considerable degree of interservice competition. One suspects that the real cause of the sustained deprecation of interservice competition was not its direct association with other evils in Defense Department management, but rather because it was a discomfort which had to be endured if these other evils were to be reduced. What people identified as the consequences of interservice competition were in reality the alternatives to it. Interservice competition became an ubiquitous, inherent, and permanent feature of the defense establishment because it would simply cost too much to eliminate it.

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[4] J. L. McConaughy, Jr., "Congressmen and the Pentagon," *Fortune*, Vol. 57 (April, 1958), p. 162.

[5] See, *e.g.*, Congressman Mahon, *New York Times*, April 28, 1957, p. 1.

[6] Hearings, *Defense Department Reorganization Act of 1958*, Senate Armed Services Committee, 85th Cong., 2d Sess., p. 418. Admiral Radford used this point to urge statutory strengthening of the Secretary. Both the 1949 and 1953 reorganizations, however, had purported to establish his full authority over the Department.

For the services, interservice competition was a justification for, as well as a cause of, service political activities. Traditionally, and again immediately after World War II, service appeals to their officers to be public relations-conscious stressed the close interrelation of political and military affairs and the general responsibility of military officers to enlighten the public on the needs of national security. Increasingly, however, the stress on the public relations responsibility of the officer assumed a service-oriented approach. Exhortations to political action were couched in terms of putting the service view across—informing the public of the indispensability of sea, air, or land power to national security.[7] Competitive emulation thus provided the impetus for the multiplication of service political activities. "The Jupiter," as Wernher von Braun explained, "involves several hundred million dollars of the taxpayers' money. One hundred percent security would mean no information for the public, no money for the Army, no Jupiter. . . . The Army has got to play the same game as the Air Force and the Navy."[8]

Each service, with the notable exception of the Marine Corps, developed an image of itself as the "silent service," politically underprivileged, misunderstood by the public, incapable of competing equally in the public arena with its more articulate and dramatic rivals. Each service's feeling of inadequacy was undoubtedly real, and the ritualistic deploring of its inferiority furnished a perfect rationale for, and incentive to, political action. Contrary to what one might expect, however, the stronger a service was, the more it tended to deplore its inferiority. Perhaps the greater its power and the more extensive its activities, the more the service felt the need to justify them by stressing how weak it was. Conceivably, too, feelings of inadequacy derive more from the gap between a service's power and its aspirations than from its power relative to its rivals. Or, it may be that bemoaning the state of one's public relations is itself an inherent part of public relations activity and increases as the latter increases. In any event, by almost any standard, the Air Force was the strongest service politically during the postwar decade. It consistently outscored its rivals, for instance, in public opinion polls, and after 1951 it regularly received the lion's share of the Defense Department budget. Yet the Air Force undoubtedly complained the most about its political weakness. The Air Force, one of its generals declared, had "a special problem in public relations" because most Americans did not understand the basic concepts of strategic air power and believed air power to be too expensive. "The Vice Chief of Staff," an Air Force journal reported in 1954, "is convinced that the Air Force has failed to keep the public properly informed."[9] A distinguished lawyer and brigadier general in the Air Force Reserve compiled an imposing list of obstacles to the development of American air power:

> Air power is the victim of cultural lag. . . . The military commentators were brought up in the older services. . . . The Air Force lacks representation in the Office of the Secretary of Defense. . . . The Congressional relations of the Air Force are inferior to those of the other services. . . . The Air Force is really the silent service. Its senior commanders do not write books and articles. . . . Those responsible for the development of national air power have not made use of the basic instrumentalities of information and enlightenment to get the public behind them.[10]

The *Air University Quarterly Review* endorsed these conclusions and pointed out other deficiencies. Both the Army and the Navy had regular TV programs; the Air Force had none. Fewer movies were made about the Air Force than about the other services. The *Review* found just one area of Air Force superiority.

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[7] See, *e.g.*, Gen. J. L. Collins, "The War Department Spreads the News," *Military Review*, Vol. 27 (September, 1947), p. 15; Lt. Cmdr. J. L. Howard, "The Navy and National Security," *U. S. Naval Institute Proceedings*, Vol. 77 (July, 1951), p. 753; Col. T. M. Smith, "Air Force Information at the Grass Roots," *Air University Quarterly Review*, Vol. 5 (Spring, 1952), p. 83.

[8] *New York Times*, June 27, 1957, p. 8, quoted in Douglas Cater, *The Fourth Branch of Government* (Boston, 1959), pp. 10–11.

[9] Lt. Gen. E. W. Rawlings, "Public Opinion and Air Force Dollars," *Army Information Digest*, Vol. 8 (April, 1953), p. 58; "The Big Look," *Air University Quarterly Review*, Vol. 6 (Winter, 1953–54), p. 133.

[10] W. Barton Leach, "Obstacles to the Development of American Air Power," *Annals of the American Academy*, Vol. 299 (May, 1955), pp. 71–74.

"Only in the mass medium of the comics does the Air Force come out ahead, with 'Steve Canyon' and 'Terry and the Pirates' far outstripping any competition in that field of communication and public relations."[11] The complaints of the other services differed only in quantity, not in quality, from those of the Air Force.

II. THE POLITICAL CASTELLATION OF THE SERVICES

Interservice competition tended to weaken the military as a whole but to strengthen the military services. Challenging the services, the rivalry also toughened them and forced them to develop the mechanisms and support necessary for survival in the pluralistic world of American politics. The expansion of their political activities tended to resemble a process of castellation. Building out from its inner keep, each service slowly constructed political, institutional, and legal defenses, after the fashion of an elaborate medieval castle with inner and outer walls, ramparts and barbicans, watchtowers and moats. The services, in short, entrenched themselves on the American political scene, as countless other interest groups, private and public, had done before them.

Expansion of Public and Congressional Relations.[12] Service emphasis upon reaching the public and Congress was concretely reflected in the elevation of these activities in the formal administrative hierarchy. During the 1920s and the 1930s, the Army and Navy public information sections occupied subordinate positions in the Intelligence branches of the services. Inevitably the outlook and values associated with the collection and interpretation of intelligence were not those which encouraged the collection and dissemination of news to mass media of communication.[13] Congressional liaison responsibilities were dispersed among a number of bureaus in the Navy and assigned to the information offices in the Army and Air Force. By 1956, however, all three major services had similar organizational arrangements for public information and legislative liaison: two distinct offices at the highest level directly responsible to the service secretary.

The elevation of these offices was accompanied by an expansion and diversification of their activities. The Army Chief of Information, for instance, opened a branch office in Los Angeles in 1952 to improve relations between the Army and the movie industry, and another in 1956 in New York, designed, in the words of the Chief of Staff, to "assist in getting its story across to the public" through all the available news media. At the same time, the Chief of Staff pointed with pride to the award by the American Public Relations Association of three citations to Army organizations for outstanding public relations. Public relations was included in the Army Program System. Public information objectives were established quarterly, covering "those critical areas for which the Department of the Army particularly desires emphasis during the period." The parallel between the military services and the large industrial corporations was pointed out, and the military were urged to adopt the public relations philosophy of industry. General Ridgway's call in 1954 for the "creation of a public relations-conscious Army" had its counterparts in similar exhortations by the other services.[14] Increased activities meant increased funds, and, reportedly, total military expenditures for legislative liaison doubled between 1953 and 1958.[15]

"Backstop" Associations and the Articulation of Service Interests. A second aspect of the growth of service political activities in the postwar decade was the increased number, membership, and activities of service "backstop" organizations, private associations concerned with the support of the services and the articulation of their programs. The Navy League, oldest of the major associations, was formed by a group of civilians in 1902 to

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[11] "Approaches to Air-Age Education in American Schools and Communities," *Air University Quarterly Review*, Vol. 8 (Summer, 1956), p. 116.

[12] For perceptive discussions of service PR activities, see Hanson W. Baldwin, "When the Big Guns Speak," in Lester Markel (ed.), *Public Opinion and Foreign Policy* (New York, 1949), pp. 97–120; W. S. Fairfield, "PR for the Services—In Uniform and in Mufti," *The Reporter*, Vol. 18 (May 15, 1958), pp. 20–23; Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Glencoe, Ill., 1960), chap. 19; Gene M. Lyons, "PR and the Pentagon," *The New Leader*, Vol. 43 (Oct. 17, 1960), pp. 10–12.

[13] Significantly, perhaps, the Marine Corps never subordinated public information to Intelligence. The Marines established a Publicity Office in 1925 and a full-blown Public Relations Section in 1933. Robert Lindsay, *This High Name: Public Relations and the United States Marine Corps* (Madison, Wis., 1956), p. 46.

[14] Gen. M. B. Ridgway, "Army Troop and Public Relations," *Army Information Digest*, Vol. 9 (August, 1954), p. 5; Gen. M. D. Taylor, "Biennial Report of the Chief of Staff," *Ibid.*, Vol. 12 (September, 1957), p. 61.

[15] McConaughy, *loc. cit.*, p. 166.

counter-balance the reaction against the Navy in the years after the Spanish-American War. Prior to World War II, the League was an active and devoted advocate of the Navy, but never a very large, affluent, or influential one.[16] The unification controversy of 1945–1947, however, gave the League a new role to play, not in fighting anti-Navy midwesterners, but in fighting anti-Navy soldiers and airmen. The Air Force Association was organized in 1946 and the following year it took over the publication of the monthly *Air Force* magazine, previously published by the Army Air Force. In 1959, it had 55,000 members. The Association of the U.S. Army was formed in 1950 by the merger of the Infantry and Field Artillery Associations. In 1955 it assimilated the Antiaircraft Association, and by 1958 it had a membership of 50,000 and almost a hundred chapters.

The development and vitality of the "backstop" associations was particularly relevant to one major problem of service behavior in the postwar period: the definition and articulation of service interests. Normally the leaders of a group are its natural advocates and defenders. With the services, however, this is not necessarily true. To be sure, the role of the service secretary differs little from that of the secretary in a civilian department. In most civilian agencies, however, the definition, articulation, and promotion of the agency's interests are also a function of the top career leaders of the agency, those whose work-lives are continuously identified with it. The freedom of the military leaders to perform this function, however, is restricted by their presumably instrumental character. The Department of Agriculture, for example, has a responsibility for and to the farmers of the country as well as a responsibility to the President and Congress. The military, on the other hand, are responsible only to the higher political authorities of government: their representative role is minimal; this is the essence of "civilian control." Thus, the top military leaders of a service—those who might be presumed to be most active and influential in the defense of its interests—are normally among those who must act with the greatest circumspection in this area. The "backstop" association, however, is uniquely able to perform this function. As a private group, it can openly criticise the Administration while service leaders limit themselves to oblique suggestions under the prodding of sympathetic congressmen. The Chief of Staff speaks for his service but also for the Administration and the Department of Defense. The service association speaks only for the service.

In addition, the association can engage in political tactics and methods which are denied to the service. The Regular Army, for example, in its struggles with the National Guard Association and the Reserve Officers Association, is, as one scholar has pointed out, handicapped "by its inability to throw charges—either reckless or responsible charges—into the headlines as its opponents frequently do."[17] Service associations are under no such restraints, and the less directly they are associated with the service, the greater their freedom. On the other hand, they cannot become completely detached; if they are too distant from the service, they decrease their authority and responsibility and may misjudge the service's interests.

Preserving the balance poses problems with respect to membership. From the start the Navy League protected its freedom of action by barring from membership military men on active duty. The Air Force Association permitted active personnel to be members only in a non-voting, non-office-holding capacity. In contrast, the Army Association was originally composed largely of active officers. In 1956, however, it was reorganized, and the leadership was transferred to individuals not on active duty "so that the Association may exercise its right to express its own independent opinions."[18] While they may in consequence have the freedom to do so, the service associations rarely, if ever, take stands opposed by the leaders of their service.[19] The resolutions and programs adopted by the service associations at their annual conventions represent approximately what the leaders of the services would ask for if they were freed from

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[16] Armin Rappaport, "The Navy League of the United States," *South Atlantic Quarterly*, Vol. 53 (April, 1954), pp. 203–212. On the "backstop" association in general, see Janowitz, *op. cit.*, pp. 383–87, and Hearings, *Employment of Retired Military and Civilian Personnel by Defense Industries*, House Armed Services Committee, 86th Cong., 1st Sess., pp. 390–476.

[17] Charles D. Story, "The Formulation of Army Reserve Forces Policy: Its Setting Amidst Pressure Group Activity" (Ph.D. Dissertation, University of Oklahoma, 1958), p. 257.

[18] Secretary of the Army, *Army*, Vol. 7 (December, 1956), p. 79.

[19] Rappaport, *loc. cit.*, p. 208. See the rather strained efforts of the Air Force Association leaders to differentiate their viewpoint from that of the Air Force, Hearings, *Employment of Retired Military and Civilian Personnel*, p. 407.

Administration restraints. In 1959, for instance, the Administration advocated an Army of 870,000 men, the Chief of Staff one of 925,000 men, and the Army Association one of a million men.

Usually the service recognizes the unique position of the service association and the special relations which exist between them. At the same time, it also stresses the independence of the association. The Navy League, the Secretary of the Navy declared in 1958, is "the civilian arm of the service." Two months later, however, Admiral Burke told a Navy League audience that the Navy "has absolutely no control over your fine organization." Air Force sources have informally referred to the AFA as "our lobby," and in 1949, General H. H. Arnold even described the Association as "Air Force-controlled." Yet its private character is also emphasized. The Secretary of the Army has declared that the relationship between the Department and the Association "although unofficial, must be close and cooperative." The "successs of the Association," he said, "is a matter of vital interest to the Department of the Army."[20]

Cultivation of the "Grass Roots." The postwar period was also marked by increased service activities designed specifically to reach public opinion at the "grass roots." Service installations and activities, of course, were spread across the face of the land. A clear distinction existed, however, between the interest of a community in a particular installation and its interest in the service as a whole. The congressman from Charleston is an ardent supporter of the Navy—until the Navy proposes to cut its operations at the Charleston Navy Yard. Unlike many private associations and a fair number of governmental agencies, the services could not easily mobilize sentiment across the country in support of a national program. The problem which they faced was not dissimilar from that confronted by the large industrial corporations. Both the corporation and the service are national and highly centralized institutions. Political power in America, however, is to a large extent channeled through local organs. Individual political influence depends upon prolonged local residence and participation: the employees of the corporation and the service are continually on the move. On the one hand, the economic health of the local community may depend upon decisions by a General Staff in Washington or a board of directors in New York. On the other hand, the small community normally possesses direct access to state and local governing bodies, and frequently to Congress, in a way which is denied to the national organization.

Corporations have attempted to adjust to the decentralization of political power by supplementing their general public relations activities with other efforts specifically designed to reach local publics. The armed services have done likewise. Among them, the Army has been most active; more than the other services, it is apt to be concerned with issues where grass roots support is important. Shortly after World War II, for instance, when confronted with the need to stimulate recruiting and to arouse support for UMT, the Army sponsored the creation of Army Advisory Committees in numerous communities, each committee made up of leading local figures in business, religion, education, the press and radio, and civic organizations. "[I]nformation on our actual policies and actual plans," the Army's Chief of Information declared in 1947, "can be disseminated down through these advisory committees to all the various agencies that affect public opinion right out in the 'grass roots.' That is very important."[21] Antedating the Committees, but subsequently closely associated with them, were the civilian aides to the Secretary of the Army. Their duties included advising the Secretary on matters relating to the public standing of the Army, investigating specific problems at his request, and cooperating with the local Army commanders in furthering their programs. The Navy's counterpart to the Army Advisory Committees was the Advisory Council on Naval Affairs, sponsored by the Navy League. The members of the Advisory Council were appointed by the commandants of the various naval districts and furnished the Navy with a means of reaching local opinion groups.[22] In addition to these broadly purposed programs, all the services emphasized the importance of "community relations" to the commanders of their posts and installations and urged them to carry on an active program of visits, support of local charities and projects, and sympathetic consideration of local interests.

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[20] *Cong. Record*, Vol. 104 (May 1, 1958), p. A4026; *Army-Navy-Air Force Journal*, Vol. 95 (July 5, 1958), p. 1312; *New York Times*, December 29, 1956, p. 2; Hearings, *National Defense Program—Unification and Strategy*, House Armed Services Committee, 81st Cong., 1st Sess., p. 70; *Army*, Vol. 7 (December, 1956), p. 79.

[21] Collins, *loc. cit.*, pp. 11–12.

[22] Lt. Col. T. J. Cleary, "Civilian Aides to the Secretary of the Army," *Army Information Digest*, Vol. 7 (November, 1952), pp. 13–18; Hearings, *Employment of Retired Military and Civilian Personnel*, p. 439; *New York Times*, April 13, 1958, p. 12; *New York Herald Tribune*, April 15, 1958, p. 9.

The reserve structure was another means of reaching local public opinion. The reserve organization, and, to an even greater extent, the National Guard were influential with Congress simply because they were organized locally. As more than one congressman has noted, in contrast to the service "backstop" associations, the reserve organizations "have the votes." "Because the National Guard Association represents the fifty-one states and territories," as one National Guard leader put it, "and is able through its membership to bring considerable pressure to bear on Congress, it has consistently enjoyed a high respect from Congress." The strength of the Guard, he continued, lies both "in the state representation" and in "the potential vote represented by the 500,000 and their families."[23] Army spokesmen and supporters frequently urged that efforts be made to utilize the reserves to put across the Army viewpoint.[24] The very power of the reserve organizations, however, made them less susceptible to use by the service leadership and more likely to have interests different from those of the service. The Guard, for instance, was politically stronger than the Army reserve, but also more independent of the Regular Army.

Industrial Bulwarks. The high level of military spending required by the Cold War and the heavy concentration of that spending on complex weapons brought into existence a significant peacetime munitions industry for the first time in American history. In their search for support in civil society the services could hardly overlook their contractors. In mobilizing industry the Navy and the Air Force started with two advantages over the Army. Both the Navy and the Air Force furnished a substantial portion of the total demand for the products of two distinct industries. The shipbuilding industry would always encourage a larger Navy, and the aircraft industry a substantial Air Force. The Army, in contrast, had no such concentrated source of industrial support. Secondly, the research, development, and, in some cases, the production of Army weapons was traditionally handled in government arsenals. The Navy made greater use of private industry, and the Air Force came into existence with little organized experience in research and development and hence depended very heavily upon the private aircraft companies. Army arsenals could generate support from the congressmen of their districts, but the aircraft companies could do this and also engage in all the public relations and propagandizing activities which their private status and funds permitted. "The aircraft industry," Senator Goldwater observed, "has probably done more to promote the Air Force than the Air Force has done itself."[25]

Interservice rivalry stimulated industrial competition, and industrial competition, in turn, fanned the flames of interservice rivalry. In 1959, as the conflict between the Army Nike and the Air Force Bomarc came to a head, Boeing took newspaper and magazine ads to counter the "misinformation" spread about Bomarc, and Army officials urged Western Electric to increase its advertising on behalf of Nike.[26] On the other hand, as General Gavin said, "what appears to be intense interservice rivalry . . . in most cases . . . is fundamentally industrial rivalry."[27] Trade journals, Wernher von Braun declared, engage in "active instigation of interservice rivalry." They "often seem to feel that they owe it to their advertisers to go to bat for them" and to "publish quite frequently some rather vitriolic articles, taking a very one-sided stand in favor of one of the services."[28] In nationwide advertisements, Chrysler proudly heralded the Army's successful Jupiter C space shot. Two weeks later Douglas retaliated with ads declaring that the Air Force Thor was "already in mass production." The Army Director of Special Weapons replied by referring caustically to a missile with "an apogee of four feet." The Air Force struck back by leaking information concerning its new solid-fuel Minute Man missile and at the same time deprecating the expense of the Navy's solid-fuel Polaris missile. The Navy replied that Polaris was less vulnerable and much closer to operation than Minute Man. "Thus a publicity contest between two corporations," as William S. Fairfield observed, " . . . now involved the uniformed personnel of all three services."[29]

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[23] Maj. Gen. James F. Cantwell, Chief of Staff, New York National Guard, July 23, 1957, quoted in Story, *op. cit.*, pp. 210–11.

[24] See, e.g., Major Gen. E. S. Bres, "The ORC, Too, Can Tell the Army's Story," *Army Information Digest*, Vol. 1 (October, 1946), pp. 3–5; "Representatives of National Security," *Infantry Journal*, Vol. 59 (July, 1946), pp. 54–55; Col. S. Legree, "We Must Get Together," *Ibid.*, Vol. 60 (May, 1947), pp. 25–29.

[25] Quoted in Fairfield, *loc. cit.*, p. 22.

[26] Hearings, *Employment of Retired Military and Civilian Personnel*, pp. 570 ff., 739–44, 752, 910–11.

[27] Lt. Gen. James M. Gavin, *War and Peace in the Space Age* (New York, 1958), pp. 256–57.

[28] Hearings, *Inquiry into Satellite and Missile Programs*, Senate Armed Services Committee, 85th Cong., 1st Sess., p. 615.

The Thor-Jupiter controversy was perhaps a classic example of how interservice rivalry initially can open a choice to the top civilian leaders of the defense establishment and then, in effect, shut off that choice through the competitive castellation of services. Thor and Jupiter were, as one general said, "about as alike as the Ford and the Chevrolet."[30] The Secretary of Defense repeatedly asserted that only one or the other would be put into production. He delayed his decision, however, and in the end choice was impossible. "If the Defense Department suggested canceling the Air Force's Thor program," a former Pentagon official declared, "a Congressional delegation from California would be down our necks. And elimination of the Army Jupiter program would have half the Alabama delegation plus a couple of representatives from the Detroit area fighting us."[31]

The shift from aircraft to missiles tended to broaden the ties of the aircraft industry with the services. The Navy, of course, had always been a significant purchaser of aircraft, and increasingly in the 1950s the Army also turned to the aircraft companies for its missiles. "The aircraft industry," one Air Force legislative liaison officer is quoted as saying in 1958, "just isn't likely to be as good a source for lobbying as it was two years ago."[32] In the conflict between Jupiter (Chrysler) and Thor (Douglas), Douglas Aircraft was on the side of the Air Force. In the conflict between the Air Force Bomarc (Boeing) and the Army Nike (Douglas), however, Douglas was presumably on the side of the Army. As the major defense contractors in missiles and electronics increasingly held contracts with two or more services, the lines of industrial competition did not always coincide with and sometimes perhaps blurred those of interservice competition.

The Proliferation of Doctrine. After World War II, interservice competition contributed to increased service concern with, and output of, doctrine. Every bureaucratic agency, military and civilian, tends to develop a "bureau philosophy" or "ideology."[33] The armed services differ from most civilian groups, however, in the extent to which the bureau philosophy becomes formal, self-conscious, and explicit. The philosophies of civilian agencies may be just as real as those of the military, but they are seldom codified into written statements of "doctrine." The importance of doctrine stems from the extent to which the military groups are perceived to be and perceive themselves to be simply the instruments of a higher national policy. The armed services explicitly rationalize their existence in terms of a higher national end, and each activity and unit is justified only by its contribution to the realization of the prescribed hierarchy of values and purposes. This instrumentalism is reflected in the emphasis, peculiar to the military, on the concept of "mission,"[34] and it manifests itself most concretely in the elaboration of doctrine.

Prior to the 1930s, doctrine was reasonably well developed in the Navy, somewhat less so in the Army. The rise of airpower, however, was a powerful stimulant to the military quest for ideology. Lacking secure organizational existence or general acceptance during the 1920s and 1930s, the supporters of airpower, like any new, crusading group, were tremendously concerned with the development of an intellectual rationale. The existence of the surface forces might be taken for granted; the need for an air force had to be demonstrated. Moreover, no longer was it possible for a service to elaborate a doctrine defining its importance to the nation and its relation to national policy without explicitly—and not just inferentially—defining the position of the other services also. Mahan had constructed a doctrine of seapower without specifically denigrating landpower. For the supporters of airpower, however, the attack on the surface forces was unavoidable. Once the Air Force was established, the intensity of its doctrinal concern perhaps moderated somewhat, but by this time the other services had felt compelled to reply in kind. Just as unification led to interservice political conflict, so it also stimulated interservice doctrinal conflict, and with the same power goals in view: jurisdiction, appropriations and influence.

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[29] Fairfield, *loc. cit.*, p. 23.

[30] Hearings, *Satellite and Missile Programs*, p. 959.

[31] Quoted in Fairfield, *loc. cit.*, p. 21.

[32] *Ibid.*, p. 23.

[33] See Herbert A. Simon, Donald W. Smithburg, Victor A. Thompson, *Public Administration* (New York, 1950), pp. 543–44.

[34] "Military officers, perhaps more than members of other professions, are accustomed to thinking of their duties in terms of specific missions. . . . The mission concept is common to all command and staff duties and functions. It is one of the constants of our profession." Department of the Army, *The Role of the Army* (Pamphlet 21–70, June 29, 1955), pp. 3–4.

The historical output of political theory, it has been suggested, correlates rather well with the presence of political crisis, turmoil, and conflict. So also, when vital controversies arise, military doctrine flourishes. After 1945, it proliferated in a variety of forms in manuals, speeches, journals, regulations, War College theses, and staff studies. The competitive spur to its formulation was concretely reflected in the creation of special staff units specifically designed to develop doctrine and arguments for use in the interservice debates, such as the Navy's "Op-23," headed by Captain Arleigh Burke during the B-36 hearings, and the Army's Policy Coordinating Group, the head of which retired shortly after the interservice blow-up in the spring of 1956. Each service also attempted to formulate concise statements of doctrinal guidance for its members and persuasion for its potential supporters.[35]

III. THE CHANGING CONTEXT OF INTERSERVICE COMPETITION

Interservice competition and the castellation of the services continued throughout the fifteen years after World War II. The content and the significance of the competition, however, changed markedly. In the immediate postwar period fundamental issues of service existence and strategy were at stake. After a major war, military policy is in a state of flux. The cake of custom, bureaucratic routine, and sustained habits of behavior—executive, congressional, and popular—are broken. Change is not only possible, but expected. In such periods, existing organizational units have the most to fear from major threats to their existence, and new organizational units have the best prospects for an easy birth or growth.

After World War II, each service and hoped-for service was anxious to carve out a role for itself suitable to its ambitions and self-conceptions before a postwar equilibrium was established and the patterns of organization and behavior jelled into enduring form. The unification battle involved the general pattern of postwar organizational relationships for all the services and, specifically, the formal recognition of the separate existence of the Air Force. Closely linked with this were the legitimate fears of the Navy and Marine Corps for their future being. "Why should we have a Navy at all?" asked the commanding general of the Army Air Forces, and answered himself by declaring that "There are no enemies for it to fight except apparently the Army Air Force." Similarly, the then Chief of Staff of the Army, Dwight D. Eisenhower, made it quite clear that the Marines ought to be maintained as only a minor landing force.[36] The uneasiness these views inspired in the sea-going services was not allayed until their functions were carefully defined in the National Security Act and the Key West roles-and-missions paper, the Forrestals floated forth on the flood of Korean War appropriations, and the Marine position was sanctified in the Marine Corps Act of 1952. By 1952 the United States had four recognized services instead of the two it had had in 1940. After 1952, whatever the vicissitudes of budgets and strategy, the existence of no service was in serious danger from another. An equilibrium had been reached.

The strategic debates of the late 1940s seemed equally momentous for the services. All agreed that the next war would be a total war. They did not agree how that war should be fought. In the Air Force image, the war consisted of an initially decisive—or airpower—stage in which victory would be irretrievably won or lost, and then a second mopping-up stage in which the other services might be of some use. The Army view (and essentially the Navy view, too) was that the initial air exchange would be indecisive until the surface forces had been built up to the point where they could move forward to seize bases and territories close to the enemy. After they had done their work, the air attack might play a somewhat more important role. But the final *coup de grace* would still be administered by ground forces moving in, defeating the enemy's land armies, and occupying enemy territory. Between these two concepts of a future war and the way in which it should be fought, no compromise seemed possible.

The debate, however, soon became obsolete. The war whose strategy the services were debating never occurred. Instead, the Korean War and the development of thermonuclear weapons changed the framework of strategic thought. It became less and less likely that another war would be World War II plus nuclear weapons. The Air Force no longer stressed the decisive aspect of airpower, but rather its deterrent quality. The experience of the other services in Korea was codified into a doctrine of limited war. Previously, the Air Force concept and the surface forces' concept of how to fight a general war had been completely incompatible. Deterrence and limited war, on the other hand, were complementary and competitive but not incompatible. Previously, any increase in the effectiveness of strategic airpower meant a decrease in the probable roles of the other services. Now, the more effective the massive deterrent became, the greater the probability of the smaller-scale disturbances with which the other services were primarily concerned. To be sure, the debates still continued over how much of the effort should be devoted to one purpose and how much to the other. All the services, however, accepted the necessity of devoting some resources to each. What had been conflicting images of a single-contingency future were replaced by general agreement on a multiple-contingency future, although the priorities and probabilities of the various contingencies remained in dispute.

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[35] See, *e.g.*, the nineteen-page Air Force Manual 1-2, *United States Air Force Basic Doctrine*, and the sixty-five-page *A Guide to Army Philosophy* (Pamphlet 20-1, January 22, 1958).

[36] Quoted in Hearings, *The National Security Act of 1947*, House Committee on Expenditures in Executive Departments, 80th Cong., 1st Sess., p. 506; *National Security Act of 1947*, H. Rept. 961, 80th Cong., 1st Sess., pp. 12-14.

In the middle 1950s, interservice debate was just as prevalent and intense as it had been previously. Strategic questions, however, had become less important and proprietary issues more important. The question was less what should be done than how it should be done and who should do it. Neither the fundamental existence of the services nor fundamental alternatives of national strategy were main issues, but rather marginal gains and losses of weapons and functions. Major strategic issues were still debated, but the debate was not so strictly along service lines. In 1949, the Navy attacked the entire theory and practice of strategic air warfare: " . . . the threat of instant retaliation," Admiral Radford had declared, "will not prevent it [war] and may even invite it."[37] In 1956, the Army and the Air Force tangled neither over the doctrine of retaliation nor the need to develop strategic missiles to implement that doctrine, but rather over who would build the missiles, who would operate them, and how much would be spent on one missile against another. Service enthusiasts might be as passionate as ever, but their disputes involved proprietorship, not principle. The cause of Colonel Nickerson's martyrdom was hardly in the same class with that of John Crommelin, much less that of Billy Mitchell.

The lines of strategic cleavage thus diverged from the lines of interservice competition. The strategic functions of the Cold War—massive deterrence, defense of Western Europe, continental defense, preparation for limited wars, construction of a general war mobilization base—fell within the domain of no single service. One service might be more interested in one strategic mission than another, but the differences were differences in degree rather than kind. The Army played a major role in the defense of Western Europe and in the maintenance of a general war mobilization base. It also, however, had the three-division Strategic Army Corps for limited war, and devoted perhaps fifteen percent of its budget to continental defense. During the mid-1950s, also, the Army developed Redstone and Jupiter missiles for strategic deterrence and the exploration of space. Similarly, the Navy contributed to a variety of missions: naval forces in the Atlantic and Mediterranean to the defense of Europe; naval aviation and Polaris submarines to strategic deterrence; warning aircraft, radar ships, and, increasingly, antisubmarine warfare to continental defense; carrier task forces and the Marine Corps to limited war needs. The major combat commands of the Air Force, in turn, were concerned with strategic deterrence, continental defense, and the tactical support of limited war forces.

The diversification of service functions had several important consequences. First, it tended to foster intraservice conflict. In the late 1950s a continuing debate went on within the Army over the extent to which it should aspire to a role in strategic deterrence. "For $5 billion worth of troop equipment," one division commander remarked in 1959, "I'd trade Huntsville away in a minute."[38] Similarly, the Army commitment to the defense of Europe necessarily limited its effort to develop the Strategic Army Corps. Within the Air Force, officers of the Strategic Air Command openly attacked the recommendations of the Air Force-sponsored Project Vista on tactical nuclear weapons and of Project Lincoln on continental defense. In 1949 Air Force fighter pilots reportedly stimulated press leaks unfavorable to the B-36,[39] and junior officers of the Air Defense and Tactical Air Commands later repeatedly warned of the dangers of giving overriding priority to strategic retaliation. On retiring in 1959, General Weyland, commander of the Tactical Air Command, "warned that the Pentagon's preoccupation with strategic bombing and long-range missiles may soon leave us unprepared to fight a limited war."[40] Within the Navy intraservice struggle was muted because of the variety of functions to which individual naval weapons might contribute. Nonetheless, like the Army in the mid-1950s, the Navy in the early 1960s was tending to divide between those who favored increased emphasis upon strategic deterrence and those favoring greater attention to the naval weapons and forces useful in limited and conventional warfare.

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[37] Hearings, *Unification and Strategy*, p. 52.

[38] "Forces on the Ground," *Time*, Vol. 73 (May 11, 1959), p. 23.

[39] Paul Y. Hammond, "Super-Carriers and B-36 Bombers: Appropriations, Strategy, and Politics" (Twentieth Century Fund Project on Civil-Military Relations; mimeo.), p. 59.

Intraservice rivalry, however, never rivaled interservice rivalry. The services were like nation-states: loyalties to them tended to override sectional or class affiliations and also to be stronger than transnational loyalties. Normally it is easier to change sectional or class affiliations within a nation-state than to change citizenship from one state to another. Changes in the former, moreover, can be partial and gradual, while changes in the latter are usually abrupt and clearcut. Similarly, within the military, the lines between functional groupings within a service were seldom as clearcut as the lines between services. If the Navy withered away, naval officers could not easily become citizens of the Air Force. On the other hand, if one naval function declined, no insuperable barriers prevented the transfer of officers associated with that function to other functions. The officers of a service were united in a common hierarchy, advancement through a common promotion list, identification with common symbols, allegiance to a common high command, and, to an increasing extent, attendance at a common undergraduate academy. The institutional ties probably precluded intraservice controversy from becoming as intense as interservice controversy.

The relation of the services to fundamental issues of strategy in a sense tended to resemble the relation of the political parties to fundamental issues of national policy. The two parties have different centers of gravity with respect to policy, and yet each includes groups representing almost all viewpoints on the political spectrum. Similarly, while the outlook and doctrine of each service differs somewhat from that of the others, each service also has interests all across the strategic spectrum. At times, of course, there may be party votes on major issues of policy, and at times, also differences over strategy may coincide with differences between the services. Moreover, just as the parties exist independently of the issues of the moment, so also the existence of the service is independent of the strategy of the moment. The resolution of any particular set of issues, whether political or military, does not end the competition among the groups, whether parties or services. The competition continues, rising to peaks fixed by the calendar of biennial elections and annual budgets. Partisan debate and interservice debate are often carried on in clichés, slogans, and appeals, with little operational significance for governmental action. A member of a service is loyal to the service irrespective of its strategic function, just as a good organization Democrat or Republican is loyal to the party irrespective of its stand on policy. The existence of the services, moreover, like the existence of the parties, tends to obscure the issues of debate. The argument that the United States is well off to have non-ideological parties and that it would be unfortunate if the division between left and right coincided exactly with the division between Democrat and Republican may also hold true with respect to the services and strategy. Strategic issues are blurred by the overlay of service competition, and the proprietary issues at stake in the latter are inherently easier to compromise than basic issues of strategic principle.

The Cold War thus replaced the simple pattern of service-*vs.*-service rivalry by a complex matrix of rivalry between service and service, service and function, function and function. The multiplication of the lines of conflict also tended to minimize its intensity. In this, the evolution of military politics followed a classic American path. Overlapping memberships in interest groups moderate group conflicts. The conflict of interest groups within and across party lines moderates the party struggle. Party conflict across institutional boundaries moderates executive-legislative conflict. Similarly, in the military area, just as interservice rivalry moderated the potential conflict between military services and civilian agencies, the emergence of conflicting functional programs tends to moderate interservice rivalry. A society, as E. A. Ross said, "which is riven by a dozen oppositions along lines running in every direction, may actually be in less danger of . . . falling to pieces than one split along just one line. For each new cleavage contributes to narrow the cross clefts, so that one might say that society *is sewn together* by its inner conflicts."[41] Experts in military organization often argue that "unification" requires either the merger of the four services into a single uniform or the abolition of the services and organization of the Pentagon purely on a functional basis. The former proposal, however, is blindly utopian in rejecting the inevitability of pluralism, and the latter could intensify conflict to the point where it would be unbearable. "Unification" is more likely to come not from the reduction or elimination of intramilitary controversy but from its multiplication.

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[40] Jim G. Lucas, *Washington Daily News*, July 29, 1959, quoted in Hearings, *Employment of Retired Military and Civilian Personnel*, p. 473.

[41] Edward A. Ross, *The Principles of Sociology*, (New York, 1920), p. 165. See also Lewis A. Coser, *The Functions of Social Conflict* (Glencoe, Ill., 1956), pp. 76–81.

Diversification of function also gave the services organizational flexibility and balance by freeing them from identification with and dependence upon any single strategic concept or functional mission. "The Army," its Secretary declared in 1957, "cannot—and indeed assiduously seeks not to—commit itself to any particular doctrine, strategy, or tactic."[42] Noncommitment was the means of self-preservation. Shifts in emphasis in national policy from massive retaliation to limited war to continental defense would affect the relative standing of the services, but it was unlikely that they could threaten the existence of any service. The new role of the services was formally recognized in the Reorganization Act of 1958: the interservice and functional commands became clearly responsible for combat, the services for personnel, training, and logistics. By reducing the combat functions of the services, the act insured their continued existence.

If this tendency continued, eventually the services would end up as English regiments on a grand scale—administrative organizations rather than fighting organizations. Thus, at the very time when interservice competition was forcing the services to develop doctrinal justifications, the evolution of strategy was depriving them of their traditional source of doctrine. As a result, the doctrinal issues debated among the services often seemed to have but minor relevance outside the locus of interservice competition. Not infrequently they assumed a certain metaphysical quality, in arguments over whether landpower or airpower was the dominant force in modern war and whether guided missiles were aviation or artillery. Such issues had little practical consequence for policy, except—and it is a vital exception—so far as the future of the service was concerned.

The value of the services thus stemmed precisely from their incomplete commitment to any single doctrine. An organization such as SAC or the Continental Defense Command, which exists for only one strategic purpose, cannot be receptive to changes in its purpose or to the creation of new organizations embodying competing purposes. The functional commands of today are the vested interests of tomorrow. So long as the existence of no service, however, depends upon any single strategic purpose, no service has reason to oppose intransigently changes in strategic purposes. Organizational permanence is the partner of strategic flexibility. Thus the unified and specified commands may become the instruments of strategy, and yet the political castles of the services may also continue to stand, with their storied keeps of service loyalty and tradition, their inner and outer walls in the executive and Congress, their towers and barbicans in industry, their moats flowing with the currents of public opinion. Perhaps, at some point, a major political or military innovation may, like gunpowder, bring these political structures down in a heap of broken masonry. The experience of other established organizations in American politics, however, suggests a different fate: that the castles of the services, like many of their medieval counterparts, will remain in existence, battered but untaken, long after the decisive battles—both political and military—have shifted to other fields.

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[42] W. M. Brucker, "A Year of Progress," *Army Information Digest*, Vol. 12 (February, 1957), p. 2.

THE NEW CIVIL-MILITARY RELATIONS*

GENE M. LYONS
Dartmouth College

Historically the character of civil-military relations in the United States has been dominated by the concept of civilian control of the military. This has largely been a response to the fear of praetorianism. As recently as 1949, for example, the first Hoover Commission asserted that one of the major reasons for strengthening the "means of exercising civilian control" over the defense establishment was to "safeguard our democratic traditions against militarism."[1] This same warning was raised in the report of the Rockefeller Committee on defense organization in 1953. While the overriding purpose of the committee's recommendations was to provide "the Nation with maximum security at minimum cost," the report made it clear that this had to be achieved "without danger to our free institutions, based on the fundamental principle of civilian control of the Military Establishment."[2] Finally, during the debate on the reorganization proposals of 1958, senators and congressmen used the theme of a "Prussianized" military staff to attempt to slow down the trend towards centralization in the military establishment.[3]

Despite this imposing support, the concept of civilian control of the military has little significance for contemporary problems of national security in the United States. In the first place, military leaders are divided among themselves, although their differences cannot be reduced to a crass contrast between dichomatic doctrines. Air Force leaders who are gravely concerned over the need to maintain a decisive nuclear retaliatory force are by now acknowledging the need to develop a limited war capability. At the same time, Army leaders are quite frank to admit that "flexible response" requires both strategic and tactical power of sizable strength, although they are particularly committed to developing a large tactical force. If these differences appear to be only differences in emphasis, they are nonetheless crucial in a political process within which priorities must be established and choices must be made. Without firm agreement on priorities, there is little reason to expect that the military can control government policy even if civilian authorities abdicate responsibility for basic decisions. The most that can result is a compromise between different military positions. Commonly, military disagreement, if exposed, is an invitation for civilian intervention.

Secondly, the concept of civilian control of the military ignores two other factors that complicate civil-military relations. On the one hand, the military themselves accept the principle of civilian supremacy; on the other, they have been thrown into a political role in the formation of policy. The resignation of General Gavin over the budgetary restrictions of the "New Look" strategy is a case in point. The General disagreed with the judgment of his civilian superiors but, like General Ridgway before him and General Taylor after him, held his most violent fire until he was out of uniform and freed from the limits of professional restrictions.[4] His case dramatically illustrates the dilemma of the military as they move into the center of defense policy-making. Here they have to struggle between the non-partisan tenets of their creed and the requirements of effective participation in the political process. Their advice as experts is not only used by the Executive to bolster its case, but is eagerly courted by Congress and the public as a basis for testing the caliber of executive action. In one respect the political role of the military tends to dilute their own professionalism. But in another, it affords them more than one opportunity to maintain a balance between their professional code and the individual conscience. The nature of the American political system thus provides an outlet for frustration which, in other settings, has been the catalyst to set off an outburst of militarism.

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[1] Commission on Organization of the Executive Branch of the Government, *The National Security Organization*, A Report to the Congress, February 1949, pp. 2–3.

[2] *Report of the Rockefeller Committee on Department of Defense Organization*, Committee Print, Senate Committee on Armed Services, 83d Cong., 1st sess. 1953, p. 1.

[3] See, *e.g.*, Rept. No. 1765, *Department of Defense Reorganization Act of 1958*, House Committee on Armed Services, 85th Cong., 2d session, esp. pp. 24–33.

[4] The views of all three Generals have been documented in books they published shortly after they retired: James M. Gavin, *War and Peace in the Space Age* (New York, 1958), Matthew Ridgway, *Soldier* (New York, 1956); and Maxwell D. Taylor, *The Uncertain Trumpet* (New York, 1959). And see the preceding article in this issue of this REVIEW, Samuel P. Huntington, "Interservice Competition and the Political Roles of the Armed Services," above, p. 40.

In its broadest sense, the concept of civilian control of the military means military responsiveness to the policies of politically responsible government. But this too needs to be reinterpreted in the light of revolutionary changes that have greatly complicated the formation of defense policy. Preparedness is as much the product of civilian expertise in science and engineering and of civilian decisions on the allocation of national resources as it is of military planning. At the same time, it is very often the military who put defense policy to the test of political accountability by exposing the bases for decisions to congressional and public inquiry. As a result, there is a constant reversal of traditional roles, a situation that has brought civilians and military into a new set of relationships. These relationships have been reflected only in a limited way in recent organizational changes that have strengthened the central agencies of the defense establishment. To appreciate their full significance, it is also necessary to understand changes in the character of both civilian and military leadership in defense affairs. Civilians are becoming "militarized" and the military "civilianized" and it is these changes that reflect more clearly than organization alone, a fundamental break with tradition in the evolution of civil-military relations.[5]

I. THE EVOLUTION OF DEFENSE ORGANIZATION

Like many institutions in American political life, a highly centralized, civilian-dominated Pentagon has developed in response to changing forces and conditions. Had the Joint Chiefs of Staff been able to function as a collegial unit rather than as a divided group of service representatives, it is possible that reorganization trends might have taken different directions. Centralization, however, was probably inevitable in one form or another. Increasing defense costs made centralized budgeting and programming a necessity. The bite of military expenditures in the total federal budget makes it impossible to ignore the impact of defense on the national economy, the government's tax program and the whole range of complex problems of resources allocation. The impact of technology has also been a centralizing factor. Indeed, work on the military applications of atomic energy had already been centralized in the Atomic Energy Commission. But work on missiles had been left in the separate services and the duplication of effort in three competitive programs brought on demands for greater coordination in propulsion programs in the late 1950's. Finally, both these areas of financial management and of research and development require skills that are "civilian," in essence, and are not yet possessed by many high ranking military officers. Thus it might be argued that "civilianization," as well as centralization, was inevitable given the nature of the problems that needed to be solved.

The growth of central civilian authority has nevertheless come in stages. The first Secretary of Defense, James Forrestal, had been opposed to the development of a large central staff even after he had come around to accept the concept of an overall defense chief. As a former Navy Secretary he was committed to the retention of strong civilian leadership in the individual services, first, to avoid a situation that might lead to the domination of a single strategic doctrine and, second, to keep civilian authority lodged at the operating levels of the military departments. He insisted that the Secretary "must be free to concentrate his efforts on the establishment of broad policy" and in so doing "must look to the secretaries of the military departments for the information and data upon which his policy is to be based and then look again to them for the execution of these policies."[6] Within these guidelines, he was reported to want only a "a very small executive force for the single Secretary to consist of [a total of] 15 to 25 '$10,000-a-year men' and officers."[7]

The National Security Act of 1947, highly influenced by Forrestal's views, thus created a federation of military departments with little authority in the office of the Secretary of National Defense. In little more than a year, however, Forrestal himself recommended a number of statutory changes that mark the second step in the strengthening of centralized civilian authority. The critical problem he had faced was the absence of any military consensus upon which to develop strategic programs. He therefore sought to develop independent staff at the Defense Department level, including an Undersecretary of Defense, a Chairman for the Joint Chiefs of Staff and a larger Joint Staff. He also called for greatly clarified responsibility over the military departments to enable the Secretary to settle controversies over the roles and missions of the separate services and the allocation of budgetary resources.[8]

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[5] For a theoretical statement of the concept of civilian control of the military, together with references to other major analyses of the subject, see Samuel P. Huntington, "Civilian Control of the Military: a Theoretical Statement," in Eulau, Eldersveld and Janowitz (ed.), *Political Behavior* (Glencoe, Ill. 1956), pp. 380 ff.

[6] See his letter to Chairman Chan Gurney of the Senate Armed Services Committee, reprinted in that Committee's Hearings, 80th Cong., 1st sess., *National Defense Establishment*, Pt. 1, p. 185. More generally, see Paul Y. Hammond, "The National Security Council as a Device for Interdepartmental Coordination," this REVIEW, Vol. 54 (Dec., 1960), pp. 899–910, and his forthcoming book, *Organizing for Defense* (Princeton University Press, 1961).

[7] Testimony of Admiral Sherman, *ibid.*, p. 155.

Forrestal's recommendations, largely reinforced by the report of the first Hoover Commission a year later, were the basis for the National Security Act Amendments of 1949 which created a Department of Defense where only a coordinating mechanism had hitherto existed. The Secretary, however strengthened his position became, was nonetheless still forbidden, by law, to encroach upon the "combatant functions assigned to the military services." Congress deliberately used this basic prohibition to maintain the essential identity of the individual services, a tactic that has been retained in subsequent major reorganizations in 1953 and 1958. Nevertheless, this restriction has become less limiting on the authority of the Secretary of Defense as major strategic decisions have turned on problems of weapons development and financial management rather than directly on the controversy over roles and missions.

The reorganization plan of 1953 went another step in centralizing authority in the civilian leadership by creating assistant secretaries of defense with responsibilities in functional areas, such as supply and logistics, and manpower and personnel. These posts were established with the understanding that "they should not be in the direct line of administrative authority between [the Secretary] and the three military departments, but instead should assist in developing policies, prescribing standards, and bringing to the Secretary of Defense information on which he may base his decisions."[9] Under these terms, the authority of the assistant secretaries was ambiguous. Administration witnesses were always cautious to assure congressional committees that the assistant secretaries of defense had no operating authority and were exclusively advisory to the Secretary. While this was theoretically so, actual practice was often to the contrary since they were frequently in a strong position to recommend that service positions be over-ruled.[10] And the authority of the Secretary of Defense to delegate powers to his assistant secretaries was confirmed under the 1958 Act, apparently clearing away the ambiguity.

The growth of centralized civilian authority has thus been related to the decline in the authority of the service secretaries. Forrestal himself had found at an early stage that the service secretaries could not administer the individual departments and still act as his deputies in the formation and execution of overall policy. As service heads they were obliged to support major positions developed by their military chiefs or risk losing the main leverage they had to be effective in their jobs. The policy process is largely a process of bargaining and persuasion. Without the confidence of the military leaders, a civilian secretary cannot hope to persuade them to alter their views. At the same time, he has little chance to gain their confidence unless he largely supports the positions they have developed. He thus plays a dual rule, representing the Defense Department at the Service level and the military department at the Defense level. Under the pressures of inter-service competition for limited resources and the development of a large secretariat in the Department of Defense, the service secretary has become more and more a spokesman for his service's position and less and less a positive instrument in the formation of policy by the Secretary of Defense.

But by far the greatest part of the increase of authority gained by the civilian leadership in the Defense Department has accrued because of the inability of the Joint Chiefs of Staff to come to agreed positions on the military requirements of national security. The far-reaching provisions of the 1958 Act were largely in direct response to the wide range of problems raised by service disagreement. Under the Act, the Secretary of Defense can exercise direct authority over unified commands, transfer weapons systems from one service to another and maintain centralized direction of all military research and development through the Director of Research and Engineering. The practical impact of these powers is to give the Secretary considerable influence over the roles and missions of the services which are still prescribed by law within the broad and flexible categories of land, air, and sea forces. The concept of unified commands and the sweeping authority over weapons development now enable the Secretary to bring about *de facto* unification of the armed services even within the framework of a three-departmental system.[11] But to accomplish this, he has a total civilian staff of almost 2,000—a far cry from the "15 to 25 '$10,000-a-year men' and officers" that Forrestal had wanted less than 15 years ago.[12]

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[8] *First Report of the Secretary of Defense*, National Defense Establishment, 1948, pp. 2–4.

[9] *Report of the Rockefeller Committee on Department of Defense Organization, op. cit.*, p. 11.

[10] See, for example, the dialogue between Senator Symington and the Assistant Secretary of Defense (Logistics and Supply) in Hearings, Senate Committee on Armed Services, 85th Cong. 1st sess., *Nominations*, pp. 12–14.

II. THE "DEPOLITICALIZATION" OF THE DEFENSE DEPARTMENT

The increasing authority of civilian leadership has not been granted without misgivings. Several aspects of this trend have been viewed with concern: the turnover of civilians in the Pentagon; the inability of civilians to come to grips with problems which have no exact parallel outside the military establishment; the tendency for the Defense Department to evolve into a fourth operating agency of the military establishment; the pre-occupation of Defense officials with budgetary matters; and delays in military programs as result of the need to obtain clearances from a thickening layer of "functional" chiefs.[13] Indeed, Senator Henry Jackson has commented that " . . . at one time we worried about a German General Staff setup in the Pentagon. I think we are at the point of a civilian general staff. . . . " Senator Jackson was not, however, critical of the establishment of new duties in the Office of the Secretary, but rather of "a failure to exercise these functions properly."[14]

The problem of "proper" performance in top defense positions is necessarily complex. Many administrators have held top positions over long periods—longer indeed than many military officers who are subject to rotation in assignment at frequent intervals. Others have had equally long tenure although they have hedge-hopped from position to position. It has, however, been difficult to attract first-rate people into high defense posts. Charles Wilson, for example, reported that, just before he took over the post of Secretary of Defense in 1953, out-going Secretary Lovett said to him: "Charlie, do not be too critical of some of these men that are here to help you do this job, because in some cases they are the thirty-third men I propositioned to come before I could get anyone."[15] In the final analysis, the caliber of leadership in high positions will depend on the President and the kind of men he wants as advisers and his willingness to use his persuasive powers to bring them into government. It will also depend, though to a lesser degree, on the pressures the Senate puts on the Executive.

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[11] Almost two years after the passage of the Reorganization Act of 1958, the *Army, Navy, Air Force Journal* (May 28, 1960) summed up some of the ways Secretary of Defense Gates "is using the full powers of his office . . . to achieve increased unification within the terms of existing legislation." These included centralization of missile test ranges, centralization of toxicological research, and establishment of an All-Service Defense Communications Agency. In addition, early in 1960, Secretary Gates sent a memorandum to the Chairman of the JCS, stating: "It is requested that I be promptly informed regarding any issue on which a difference of opinion is developing within the Joint Chiefs of Staff. I intend that either the Secretary of Defense and/or the Deputy Secretary of Defense will promptly meet with the Joint Chiefs at such times as they consider the issue in question . . . " (reprinted in *Army, Navy, Air Force Journal*, January 16, 1960).

[12] This contrast has risen to plague subsequent Secretaries of Defense. Secretary McElroy facing questions on it during the reorganization hearings in 1958, offered the following: "I have heard others report to me about the expressions by Jim Forrestal about getting along with 100 people, and that kind of thing. I have also heard that after he got into the job, he found that he needed a great many more. The history is nothing that I am prepared to support because I don't know precisely what did go on there. But I honestly—while I agree with you fully that numbers are not a measure of the importance or efficiency of an organization, I mean large numbers, I wouldn't know how anybody could operate a department of this size and complexity with 100 people." Hearings, House Committee on Armed Services, 85th Cong., 2d sess., *Reorganization of the Department of Defense*, p. 6072.

[13] These misgivings are suggested by the questions raised by the staff of the Senate (Jackson) subcommittee on national policy machinery. See *Organizing for National Security*, Interim Report of the Committee on Government Operations made by its Subcommittee on National Policy Machinery, 86th Cong., 2d sess., pp. 17–19. The problem of turnover has been the subject of a proposed Senate resolution "that it is the sense of the Senate that nominees appearing before its committee shall indicate their willingness to serve so long as the President desires" (S. Res. 338), 86th Cong., 2d sess.; see also Rept. No 1753, 86th Cong., 2d sess., *Resolution Expressing Concern of Senate over Turnover in Administrative and Policymaking Posts*.

[14] Hearings, Senate Committee on Armed Services, 84th Cong., 2d sess., *Assistant Secretaries for Research and Development*, pp. 20–22.

When the Eisenhower Administration took office in 1953, there was an almost complete turnover in civilian leadership (and, indeed, in military leadership as well). With the exception of the Defense Comptroller, Wilfred McNeil, all of the top Pentagon posts changed hands. This changeover was perhaps more disrupting than usual since it marked the advent of the first Republican president in twenty years. But the turnover was also very deliberate for the new Administration had almost completely divorced itself from the foreign and military policies of the Truman Administration during the presidential campaign. The new President and his chief advisers looked for a loyalty to their leadership and policies that they felt few Truman aides could muster.[16] It is nevertheless instructive to note that by the end of the second Eisenhower Administration most civilian leaders in the Pentagon had spent periods of 4 to 8 years in defense work, if not in the same post.[17] At the same time Thomas Gates, the last Secretary of Defense under Eisenhower, and Robert Lovett, the last Secretary under Truman, were both urging that high defense posts be protected from partisan politics and that both parties agree to maintain effective continuity in the civilian leadership of national security programs.[18]

The recommendations of Secretaries Gates and Lovett are symptomatic of the change that has slowly been developing in the character of civilian leadership in the Pentagon in spite of the sharp setback in 1953. It is marked by what might be called a "depoliticalization" of the Defense Department, that is, an emphasis on standards of competence and experience in making appointments. Appointive posts in all federal departments are, of course, subject to both political and non-political considerations. Indeed, in the areas of foreign and military policy, the motivation of national interest operates to counteract the political forces of geographic distribution, party balance and pressure groups that dominate top appointments in other departments.[19] Non-political considerations regarding background and ability thus largely govern the selection process.

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[15] Hearings, Senate Committee on Armed Services, 83rd Cong., 1st sess., *Nomination of Charles Wilson*, Pt. 2, pp. 110–111. For a general discussion of this problem, see John A. Perkins, "Staffing Democracy's Top Side," *Public Administration Review*, Vol. 17 (Winter, 1957), pp. 1 ff.

[16] This was also true in programs outside the field of foreign and military policy, e.g., the members of the regulatory commissions and directors of TVA. For a discussion of its impact on career executives, see Herman M. Somers, "The Federal Bureaucracy and the Change of Administion," this REVIEW, Vol. 48 (March 1954), pp. 131 ff.

[17] For example: Thomas Gates, the Secretary of Defense, had served (with one short break) since October 7, 1953, as Undersecretary and Secretary of the Navy, as well as Deputy Secretary and Secretary of Defense; James Douglas, Deputy Secretary of Defense, had served continuously since March 3, 1953, as Undersecretary and Secretary of the Air Force, as well as Deputy Secretary; Herbert York, Director of Defense Research and Engineering, came to this post (and was the first incumbent in 1958) after long experience in defense work with the Advanced Research Projects Agency, various scientific advisory committees, and non-profit institutions engaged in defense activities; Charles Finucane, the Assistant Secretary of Defense for manpower affairs, had served as Assistant Secretary and Undersecretary of the Army for almost four years when (after a short break in service) he was brought back to the post at the Defense level in 1958; similarly, the three service secretaries, Brucker in the Army, Franke in the Navy, and Sharp in the Air Force had all had almost continuous Pentagon service for at least five years.

[18] In both cases, these views were expressed in testimony before the Senate subcommittee on National Policy Machinery and were largely supported by the testimony of other witnesses, particularly James A. Perkins, John Corson, and Roger Jones. See Hearings, Subcommittee on National Policy Machinery, Senate Committee on Government Operations, 86th Cong., 2d sess., *Organizing for National Security*, Pts. II and III.

[19] Patronage proved to be a vexing problem when the Eisenhower Administration took office in 1953 after twenty years of Democratic rule. Very early in the game Secretary Dulles was reported to have made it clear that "his department could not be run on the basis of patronage," Robert J. Donovan, *Eisenhower, The Inside Story* (New York, 1956), p. 98, though this did not prevent the appointment of "fat cats," *e.g.*, to ambassadorial posts, or the wholesale purge of departmental personnel—referred to as "Stassenization"—in 1953, carried out in the name of a budget cut that Dulles did not resist. By the end of the second Eisenhower term—*i.e.*, in hindsight, a quite different vantage point—a nonpartisan

Most appointive posts in the Pentagon break down into three general groups.[20] There is, first of all, the Secretary of Defense and his immediate staff. Here the needs and thus the will of the President himself will certainly dominate, for the prime importance of the Secretary is as a top presidential adviser. His constant occupation is to serve as a deputy to the President in the performance of his constitutional duties as commander-in-chief of the armed forces. Indeed, as the problems of national security have come to absorb so much of the President's time and energy, the Secretary of Defense has come to be one of the most prominent members of both the President's cabinet and his inner circle.

But below the Secretary and his personal staff are a group of appointive posts at the Defense and military department levels, in which functional or "program" rather than constitutional or presidential, responsibility is emphasized. These include posts in the fields of financial management, manpower, and procurement and logistics. What is often as necessary as practical experience in the subject field itself, is an ability to manage complex enterprises and a deep understanding of the political and governmental processes. Thus, experience in public service is of prime importance. Men chosen for these posts might come from several sources. They might be men who possess these qualities and are also important figures in the President's party; their appointment can thus perform two functions at once—bring a professional hand to high office and meet the party's requirement for patronage. They might also be men whose identity with one of the major political parties has been incidental but whose experience with problems of public policy has made them wise selections for office regardless of party. Finally, they might be high-ranking civil servants whose records are outstanding and who are willing to give up the security of tenure for the political risks of appointive positions. Where a choice is possible, the determining factor will be the importance with which the President and his principal advisers view the balance of interests that are involved.

Finally, there are appointive posts that require a high level of specialized expertise but cannot be included within civil service categories. This is especially true in the field of research and engineering. The incumbents will often act as policy advisers and, even within the bounds of their own professional integrity, must be in basic agreement with the political dimensions of the President's defense program. At the same time, the civil service cannot provide the high degree of expertise that is required for top direction. The background and experience which the evaluation of complex weapons systems requires can rarely be gained by working in government agencies. It is more usually found in men whose prior experience has been developed in university and industrial laboratories.

Several factors can thus be identified as vital qualifications for high Pentagon posts below the Secretary of Defense himself: the benefit of government experience; the need for expertise; and the desirability of continuity. These traits have been increasingly recognized and their recognition is operating to develop a "depoliticalization" of these posts. "Depoliticalization" nevertheless, has limits. National security issues cannot (and indeed should not) be entirely taken out of politics. Top presidential advisers must be prepared to defend the choices they make before congressional and public criticism. At the same time the President needs to have the alternative of changing his close advisers if the sense of purpose and the support that he feels is necessary to his program are missing. Capable men available for such posts, no matter how broad the recruitment sources are becoming, will, moreover, continue to be few; and many of those who agree to accept political responsibilities will be under pressure to return to private life. For that matter, some turnover in the top echelons is desirable to bring a continual freshness and critical direc-

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policy was considered valid for the Defense Department (see reference above to testimony of Secretary of Defense Gates). For a general discussion, see Harvey C. Mansfield, "Political Parties, Patronage, and the Federal Government Service," in *The Federal Government Service: Its Character, Prestige, and Problems*, The American Assembly, 1954, pp. 81 ff.

[20] The following discussion borrows from Wallace S. Sayre, "The Political Executive in the National Government: The Constitutional and Political Setting," prepared for the Conference on the Political Executive, Woodrow Wilson School of Public and International Affairs, Princeton University, 1956, pp. 23–24 (mimeographed). The literature on executives for government is particularly pertinent to the problems discussed here. See, for example, the report of the task force on personnel and civil service of the second Hoover Commission, dated February 1955; Paul F. David and Ross Pollock, *Executives for Government*, The Brookings Institution, 1957; and Marver H. Bernstein, *The Job of the Federal Executive*, The Brookings Institution, 1958.

tion to government administration. Thus, no matter how far "depoliticalization" goes, political appointees will not always be able to provide the continuity and stability in government that are the principal contributions of career professionals.

"Depoliticalization" is, however, only one of the characteristics of the larger trend towards a professionalization of civilian leadership in defense affairs. Professionalization is taking other forms as well—the influence of career executives in the development of major policy decisions, innovations in administration which have brought outside experts into government through a variety of institutional devices, and a growing interest in military affairs among civilians outside government. All of these, taken together, contribute to the changing character of civilian leadership that is, in turn, influencing the character of civil-military relations.

III. THE PROFESSIONALIZATION OF CIVILIAN LEADERSHIP

The importance of continuity and stability in government is emphasized when the nature of the policy process is clearly understood; it is likelier to be appreciated more toward the end than at the beginning of any particular Administration. Policies are usually developed with a long history of conjecture, false starts and negotiation. Very often they take shape from a series of operational responses or the byplay of a number of viewpoints rather than from a single breakthrough of brilliant analysis. Within such situations, the influence of careerists, military and civilian, is enormous. It is equally impressive in moments of crisis when only professionals have the background and experience to respond quickly. The military professionals wield their greatest influence within the military departments; a large and burgeoning staff of civilian careerists exert similar powers in the Department of Defense. They perform staff work in connection with establishing budgetary and manpower priorities, supply the background material for new programs and have usually developed a network of informal contacts that make them invaluable in inter-departmental negotiations. Indeed, General Gavin recalled (perhaps with some bitterness) that " . . . the Civil Service employees . . . in the Department of Defense . . . probably have more impact on decision-making . . . than any other individual or group of individuals, military or civilian."[21]

The hazy line that divides policy from administration and the influence of career professionals on decision-making are familiar themes in the literature of public administration.[22] In the Defense Department, professional influence has been increased by the tendency to seek solutions to problems at a technical level in order to minimize differences over vital matters of policy. In such cases, the guides for policy become efficiency and empirical verification rather than intuition and inspiration; and in any such atmosphere technicians and arbitrators play a critical role. Such tactics often reduce policy to a compromise between opposing positions, a practice that is often stultifying. In many cases it is nevertheless an inevitable consequence of policy-making within the democratic process, particularly in the field of national security. For within the goldfish bowl of American politics, there is a limit to the risks a political leader is willing to take in approving defense programs that can be argued in terms of national survival and for which there is no indisputable solution.

But like the "depoliticalization" of appointive posts, there are limits to the contribution that increased civil service influence can make to the professionalization of civilian leadership in the Pentagon. Some of these limits have already been suggested. For one thing, few civil servants possess the degree of specialized expertise that is required for technical staff work in fields such as research and engineering. Nor, for that matter, does the bureaucracy offer the environment in which careful study and reflection on basic problems, such as strategic doctrine, is encouraged and indeed rewarded. At the same time, there is little chance that the top layer of the American civil service can be transformed into an administrative class like that in Great Britain; neither the social structure nor the political system to support such a class is present.[23]

Within the special context of American governmental institutions, a series of innovating techniques have therefore been developed to bring professional competence to bear on matters of public policy where neither political nor career executives can fully meet the demands. They include *ad hoc* and standing advisory committees, contractual arrangements for consultative services, the assignment of broad investigations or actual operations to outside institutions, and government-financed independent agencies set up outside the formality of the bureaucracy.[24] These administrative techniques perform a number of functions. They bring creativity to the public service in areas where it is often discouraged by the routinization of bureaucratic procedures or the dangers of interservice and political disagreement. They offer political executives (and congressional leaders) alternative sources of expert advice to the career services, civilian and military. They permit the kind of experimentation, reflection, flexibility, and deep probing that the complex problems of national security require but that the regular federal service cannot completely accommodate because of its size, its need for standardization, and its emphasis on current operations.

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[21] Gavin, *op. cit.*, p. 166.

[22] See, for example, Paul H. Appleby, *Policy and Administration* (University of Alabama Press, 1949). For an earlier statement on this issue, see Carl J. Friedrich, "Public Policy and the Nature of Administrative Responsibility," *Public Policy* (1940, Cambridge, Harvard University Press), pp. 3 ff.

[23] Several of the essays in J. E. McLean (ed.), *The Public Service and University Education* (Princeton, 1949) are concerned with this issue. See particularly Rowland Egger, "A Second View: An American Administrative Class?" pp. 205 ff.

The strides taken in recent years to develop new modes of government administration have largely been forced by the demands of technology. The scientific programs during the second world war and the industry-based programs of the Air Force in the postwar years established precedents for government contracting in areas that now extend beyond technological projects to projects in the social and behavioral sciences. Each of the services has created a "think" organization to which it can farm out problems—the RAND Corporation of the Air Force, the Operations Research Office of the Army and the Operations Evaluation Group of the Navy. Within the Department of Defense a variety of advisory panels are available to the Secretary and his assistants—on research and development, on psychology and the social sciences and on education and manpower. In addition, the Institute of Defense Analyses has been established "to create machinery for putting a segment of the nation's intellectual resources more effectively at the disposal of the national security effort."[25] Originally established in connection with the evaluation of competing weapons systems, the scope of the Institute now encompasses broad areas of military strategy where the support for judgments on weapons evaluation is very often to be found. Indeed the close connection with strategic issues has been the link that has extended research on military operations into the far reaches of national policy.

These innovations in administration project the professionalization of civilian leadership in defense far beyond the confines of government itself. That they extend as widely as they do is, in many ways, an indication of the response of industry, science and private scholarship to the problems of national security. Like government-sponsored research, research in industry has begun to go beyond technical subjects. General Electric, for example, publishes a *Defense Quarterly* that is devoted to the broad issues of technology and foreign and military policy. It has also established a "think" group of its own, as have other corporations such as General Dynamics, IBM and many of the large aircraft companies. While most of these "in house" divisions are set up for scientific research and development, many of them dig into military and social problems affected by technological advances. At the same time, many industrial companies contract out their research activities with institutions such as the Stanford Research Institute, a non-profit corporation which has moved into the fields of military and foreign policy in the wake of its primary interest in the frontiers of technological change.

In addition, since 1950 there has been an outpour of books and articles on national security from scholarly sources.[26] Some have actually been made possible through association with Defense Department projects or under contract with congressional groups investigating various aspects of the defense program. But a very high number of these efforts have been undertaken on private initiative, with or without foundation or university support. The subjects of these studies have ranged from the broadest issues of military strategy to more specialized problems of military organization and education. They include Kissinger's *Nuclear Weapons and Foreign Policy*, Osgood's *Limited War*,

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[24] For a general discussion of the development of such innovations in government administration, see Don K. Price, "Creativity in the Public Service," *Public Policy*, Vol. IX (1959, Cambridge, Harvard University Press), pp. 3 ff. For a discussion of some of the aspects of Defense Department contracting for advisory and consultative services, see Hearings, Subcommittee of the House Committee on Appropriations, 86th Cong., 2d sess., *Department of Defense Appropriations for 1961*, Pt. 7, pp. 164–196.

[25] *Annual Report II*, Institute of Defense Analyses, 1958, p. 1.

[26] See Laurence I. Radway, *The Study of Military Affairs*, prepared for delivery at the 1958 Annual Meeting of the American Political Science Association (mimeographed).

Huntington's *The Soldier and the State,* Brodie's *Strategy in the Missile Age,* the books by Walter Millis, the monographs of the Princeton Center of International Studies, the studies of the Rockefeller Brothers Fund and the volumes that have come out of the research projects conducted at the Center for International Studies at the Massachusetts Institute of Technology. In all cases, these works have plunged deep into military problems. Indeed there are indications that some military leaders are concerned that "there has been too little solid contribution from military pens to national security policy thinking for this new age . . . "[27]

The practical consequence of all of these activities is that professional advice, studies and investigations on complex military issues are being made available to responsible officials from sources other than the military themselves. Civilian leaders need no longer rely entirely on the military services for the bases for policy decisions. Their own experience in service, the solid contribution of career professionals and the wide new sources of research and reflection, together with the multi-dimensional nature of defense problems, permit them to be more critical, more questioning and more constructive in their own right. Needless to say, all that has been discussed are tendencies, trends that can be perceived as we analyze the course of civil-military relations during the last ten years. Nevertheless, it seems safe to predict that these trends will continue to gain momentum—the "depoliticalization" of appointive posts, the influence of career executives, innovations in government administration and an interest in military affairs among writers, scientists and scholars. They are also bound to contribute to a growing professionalization of civilian leadership in military affairs and, in turn, this professionalization will have important repercussions on the nature of civil-military relations.

IV. THE CHANGING CHARACTER OF MILITARY LEADERSHIP

The significance of the professionalization of civilian leadership cannot be judged without some consideration of the changing character of military leadership. When General Maxwell Taylor retired in mid-1959, a veteran Washington reporter commented that this marked "the point at which the Old Army is drawing to the end of its mission—and even of its relevance." He called Taylor "the last great captain of the old hunters . . . " and his successor, General Lyman Lemnitzer, "an intellectual, a staff officer of vast experience, a kind of professor of the new kind of war."[28] The contrast is perhaps over-drawn, for it is difficult to think of the military—without its "heroic leaders," left to the impersonal calculations of the "military managers."[29] It nevertheless catches the essence of a fundamental change in the character of military leadership.

Military leadership is changing under the impact of two forces: the revolutionary developments in weapons technology; and the close relationship between military programs and foreign and economic policies. The management of a missile program or a test range, the constabulary duties of an overseas assignment, the pseudo-diplomatic function of a military assistance advisory group, the planning involved in a Pentagon or a NATO slot—these are the tasks for which the military must prepare the officers of the future. At the same time, the threat of war, total, nuclear, limited or conventional, and the demands that open hostilities make on military leadership, are ever present. Thus the old attributes of "heroic leaders," the qualities of discipline, courage and command ability, cannot be forgotten. In this respect, the new responsibilities of military leaders have not so much altered their fundamental make-up as they have added new dimensions to their character and made them more complex human beings. This new complexity is being reflected in a number of changes in the military profession. Three of these are particularly important: the broadening base for officer recruitment; the development of higher military education; and new policies for selection and promotion to higher rank.

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[27] Col. George A. Lincoln and Col. Richard G. Stilwell, "Scholars Debouch Into Strategy," *Military Review*, Vol. 40 (July 1960), p. 70. See also Captain Robert P. Beebe, "Guardians of Sea Power," United States Naval Institute *Proceedings*, Vol. 86 (June 1960), pp. 27 ff. The trend suggested here seems to contradict Bernard Brodie's thesis that "any real expansion of strategic thought . . . will . . . have to be developed largely within the military guild itself." (*Strategy in the Missile Age* (Princeton, 1959), p. 9. Indeed, one might say that Brodie's own pioneering work refutes his prognosis.

[28] William S. White, "The End of the Old Army," *Harper's*, June 1959, pp. 82–85. The contrast might have been more apt had Lemnitzer been compared with General Ridgway who was wholly a soldier's soldier while Taylor has certain professorial features of his own.

[29] The terms in quotations are borrowed (as is much that follows) from Morris Janowitz, *The Professional Soldier* (Glencoe, Ill., 1960).

To a large extent, the broadening base for officer recruitment is a matter of arithmetic. In recent years the services have had to draw in more than 40,000 new officers every year, with a good percentage of these needed on a career basis. At the same time, the service academies graduate only about 1,500 new lieutenants and ensigns. As a result, the services have had to look to other sources for career officers, particularly civilian colleges and universities. This development has more than quantitative significance, however. It is also qualitative. The broadening recruitment base for young officers is bringing into the services men with new outlooks and new areas of technical competence that serve to meet the widening range of military responsibilities.[30]

The elaborate structure of higher military education is also responding to the broadening character of military responsibility. Curriculum changes in undergraduate programs at the service academies and in military programs in civilian colleges and universities are moving in two directions: first, they are incorporating new material to expose the students to the expanding technology that is making such an impact on military life; and, second, undergraduate courses are becoming less vocationalized and are taking the form of preprofessional education to lay a solid intellectual base for future career development.[31] At the post-commissioning schools—from the command and staff colleges through the service war colleges to the Industrial College of the Armed Forces and the National War College—there is an increased emphasis on the problems of international politics, the dilemmas of war and peace brought on by nuclear weapons, the impact of defense on the national economy and the complexities of life in a world of allies, international organizations and uncommitted nations. There are still weaknesses in military education: there is a tendency to be highly technical and vocational, even in dealing with social science material; service-organized programs also tend to be parochial, emphasizing the narrow views of the service itself; and the image of the world scene that is projected in military teaching is static and over-simplified. The advancements in the last fifteen years have nevertheless been striking and have taken military education far beyond the traditional emphasis on "loyalty, precedent, specific technical skill, and a gentlemanly code of conduct."[32]

Traditions, however, die hard. In the transition from one generation of military leaders to another, the qualities of the "heroic leader" continue to have primary importance and significance for those older officers who grew up in the "old Army," in the "black-shoe Navy" or even in the "propeller-driven Air Force." These are the officers, moreover, who control the machinery for selection and promotion. Here the struggle between the old and the new takes place. While assignments to the war colleges and long tours of duty in technical posts seem to be good preparation for the new roles military men are undertaking, they are not always the best routes to higher rank. Loyalty, length of service and the number of tours on sea and command duty are very often the qualifications that members of a military selection board look for. A few years ago, the Secretary of the Navy, in an attempt to break down these traditional barriers to advancement, instructed the selection board to accelerate the promotions of officers who were "head and shoulders" above their colleagues. The reverberations of these orders are still shaking the Navy's high command.[33] Accelerating promotion means advancing officers in grade because of "potential" rather than actual performance. It thus involves an exercise of judgment about human behavior, as well as future military requirements, that is, at best, difficult to make. It is more difficult during a transition period when the old consensus on military qualities is breaking down and a new concept of military leadership is evolving.

More recently, the Secretary of Defense, in December 1959, issued a directive that "all officers . . . will serve a normal tour of duty with a Joint, Combined, Allied or OSD [Office of Secretary of Defense] Staff before being considered qualified for promotion to general or flag officer rank." Significantly, the directive makes an exception of Army and Air Force officers "whose proposed advancement and qualifications for promotion are based primarily upon their scientific and technical achievement and proposed utilization in that specialty."[34] This emphasis on planning and technical experience and the deemphasis on parochial views were also underscored in the instructions of the Secretary of the Navy to the Flag Selection Board in 1960. Acknowledging the traditional concern for "a thorough seagoing background in the Line of the Navy," the Secretary brought the Board's attention to the need for "high performance on the planning level and a keen discernment of future operational requirements." He then went on, at some length, to explain that "the explosive technology of our modern weapons systems requires a high degree of concentration and knowledge in particular areas and precludes, to a great degree, the rapid rotation from job to job of many of our most outstanding officers for the purpose of qualifying them in all phases of naval warfare in the pattern of the past."[35]

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[30] Gene M. Lyons and John W. Masland, *Education and Military Leadership* (Princeton, 1959), esp. ch. I.

[31] *Ibid.*, chs. VI and VII.

[32] John W. Masland and Laurence I. Radway, *Soldiers and Scholars* (Princeton, 1957), p. 5. This work is a study of the response of military education to the widening policy role of military leadership.

[33] See Vice Admiral L. S. Sabin, "Deep Selections," United States Naval Institute *Proceedings*, Vol. 86 (March 1960), pp. 46 ff; also the large number of comments on Admiral Sabin's article in the June 1960 issue of the *Proceedings* (Vol. 86, No. 6), especially Admiral Carney's letter, pp. 104–106.

Both these actions reflect the concern of civilian leaders with the new dimensions of military leadership. Nevertheless, however "civilianized" military officers may become, the profession itself will continue to be anchored in the distinct nature of its trade, the process that has so succinctly and meaningfully been called the "management of violence" by Harold Lasswell. And, in the fulfillment of their mission, the military will continue to be highly influenced by the particular tools of their craft. Indeed, without this distinction what is the meaning of the military profession as a separate group in society? And what do military leaders have to offer that physicists, engineers, diplomats and economists cannot do to meet the requirements of national security? The answer, obviously, is nothing. At the same time, within the framework of its primary and unique contribution, the military profession is dramatically changing. At the moment, it is in a state of transition from the old to the new with the dimensions of the new still unformed, still taking shape, still resembling the contours of an earlier day.

V. TOWARD A NEW CONCEPT OF CIVIL-MILITARY RELATIONS

The nature of civil-military relations is thus being changed through the strengthening of central organization in the Department of Defense, through the professionalization of civilian leadership and through the broadening character of the military profession. These trends might also be expressed as the "militarization" of civilians and the "civilianization" of the military. When extended to their logical conclusion, they suggest new relationships between civilians and military based on a more complex division of labor than has heretofore existed. These relationships, however, are responsive to the new shape of national security in which military affairs are no longer a monopoly of the military and a clean-cut division between matters of war and peace, between foreign and military policies, is a false and misleading notion.

It is nevertheless as essential as ever that defense planning be attuned to the broader perspectives of national policy. This is a problem which can no longer be met through civilian control of the military, however. We need to be concerned with the whole complex of professional direction in defense planning and the dilemma of relating the problems of security to the goals and values of national policy. In this task there are limits to what organizational techniques can accomplish. The spectrum is too broad. There is also the danger of accepting institutional devices as a solution without pressing forward along other lines as well. These include arousing enthusiasm for public service in the leading professions in our society, developing a sense of the stakes involved in national security among the general public, encouraging the study of foreign and military policy in educational programs, strengthening the civil service, urging new recruitment and educational standards for military careers and continuing innovation in government administration. In this context the purpose of organization is not so much to control as it is to create the machinery through which to bring the full force of our intellectual resources to bear on the complex issues we have to meet.

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[34] Department of Defense Directive 1320.5, reprinted in *Army, Navy, Air Force Journal*, December 19, 1959. For a summary of the reaction of the services to this directive, see the article (p. 1) entitled "Pentagon Orders New Barriers to General and Flag Ranks," in the same issue.

[35] Dispatch from Secretary of the Navy William B. Franke to Admiral Herbert G. Hopwood, President of the Flag Selection Board, reprinted in the *Army, Navy, Air Force Journal*, July 16, 1960.

THE POLITICAL STRUCTURE OF THE FEDERAL RESERVE SYSTEM

Michael D. Reagan
Princeton University

Public policy is not self-generating; it emerges from institutions. Foremost among the institutions charged with monetary and credit policy formation—an area, like fiscal policy, that has not received from political scientists the attention accorded to micro-economic regulation of particular firms or industries—is the Federal Reserve System. The purpose of this paper is to examine the "fit" of the System's formal structure to (1) the policy functions and the informal policy-forming mechanisms of the "Fed," and (2) the pattern of interests and values affected by monetary policy. Its thesis is that a substantial gap has developed between these elements.

A brief sketch of the formal structure of authority and the historical development of System functions is needed to begin with; this is followed by analysis of the formal and the effective roles of each component of the System along with the internalized interest representation at each level. Then the linkage between the Federal Reserve System and general economic policy is explored. Finally, the conclusion summarizes the findings and suggests briefly how formal structure and policy functions might be brought into closer, more effective alignment.

I. STRUCTURE AND FUNCTIONAL DEVELOPMENT

The Pyramid. The Federal Reserve System[1] can be described as a pyramid having a private base, a mixed middle level and a public apex. At the apex stands the Board of Governors (frequently referred to as the Federal Reserve Board or FRB). Its seven members are appointed by the President, with the consent of the Senate, for fourteen-year, over-lapping terms, one term expiring at the end of January in each even-numbered year. Members are removable for cause, but the removal power has not been exercised. In making appointments, the President must give due regard to "fair representation of financial, agricultural, industrial, and commercial interests, and geographical divisions of the country," and not more than one member can be appointed from a single Federal Reserve District. The Chairman is selected by the President for a renewable four-year term. The Board is independent of the appropriations process, for its operating funds come from semi-annual assessments upon the twelve Reserve Banks.

At a level of equivalent authority to the Board itself, but in the "middle" of the public-private pyramid, stands the statutory Federal Open Market Committee. It is composed of all FRB Members plus five of the twelve Reserve Bank Presidents, with the President of the New York Reserve Bank always one of the five and the others serving in rotation. The Chairman of the Board of Governors is, by custom, the Chairman of the Committee.

The Reserve Banks are quasi-public institutions: their capital stock is subscribed by the member banks—all national banks and about one-third of the state-chartered banks, at the statutory rate of six per cent (one-half paid in) of their capital and surplus—but their role is public as a part of the central banking system. While a six per cent cumulative dividend is paid to the member-bank stockholders, and a surplus equal to twice the paid-in capital has been accumulated, the remainder of the Reserve Banks' now sizeable earnings is surrendered to the national Treasury. The growth of the Banks as money-makers, especially in the past decade, is indicated in Table I;[2] their

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[1] For more detailed description of the formal organization, see Board of Governors, *The Federal Reserve System* (Washington, D. C., 1961) and G. L. Bach, *Federal Reserve Policy-Making* (New York, 1950).

[2] The original Federal Reserve Act imposed a 90 per cent "franchise tax" on Reserve Bank earnings after expenses, dividends and an allowance for surplus. In the mid-1920s earnings were still a major concern, and the principal reason for the Banks' holding government securities, against the opposition of Secretary Mellon. In 1933 half the Banks' accumulated surplus was appropriated to furnish the initial capital of the new Federal Deposit Insurance Corporation; to allow the replenishment of surplus the franchise tax was dropped. By 1946 the surplus reached proportions that led the Board to decide as a matter of policy to pay 90 per cent of earnings to the Treasury, under the label of "interest" on outstanding Federal Reserve notes; this policy continued from 1947 through 1958. In 1959 the surplus was cut back to an amount equal to the subscribed (*i.e.*, twice the paid-in) capital, and the balance, together with all earnings after dividends, was paid over to the Treasury. *Annual Report of the Board of Governors*, 1959, pp. 96–99.

TABLE I. COMBINED RESERVE BANK NET EARNINGS, DIVIDENDS TO STOCKHOLDER BANKS, AND TRANSFERS TO U.S. TREASURY AND TO SURPLUS, SELECTED YEARS, 1914–1960. (THOUSANDS OF DOLLARS)

Year	Net Earnings	Dividends Paid	Paid to U.S. Treasury	Transferred to Surplus	% Dividends to Earnings
1916	2,751	1,743	—	—	63.4
1920	149,295	5,654	60,725	82,916	37.9
1922	16,498	6,307	10,851	−660	38.2
1925	9,449	6,916	59	2,474	73.2
1932	22,314	9,282	2,011	11,021	41.6
1935	9,438	8,505	298	635	90.1
1945	92,662	10,183	248	82,232	11.0
1950	231,561	13,083	196,629	21,849	5.6
1957	624,393	20,081	542,708	61,604	3.2
1959	839,771	22,722	910,650	−93,601	2.7
1960	949,000	24,500	897,000	42,000	2.6
Total 1914–1960	6,885,077	477,706	5,476,395	945,476	6.9

Source: *Annual Report of the Board of Governors, 1959*, pp. 116–117. Figures for 1960 approximate, from New York Times' Jan. 6, 1961, p. 35.

annual contribution to the Treasury currently amounts to about a tenth of the annual interest cost of carrying the public debt. In contrast with their paid-in capital of $387 million (as of December 31, 1959) their assets included some $27 billion in Treasury securities, and their earnings derived chiefly from the interest paid on these holdings.

The Reserve Bank Presidents are not government appointees; they are elected by the boards of directors of their respective Banks, subject to FRB veto; and their compensation—far above civil service levels—is fixed in the same way. Thus their selection is initially private, but with public supervision. The Board of Directors of each Reserve Bank consists of nine persons, six of whom are elected by the member commercial banks of that District (these banks, the "owners" of the Reserve Banks, constituting the private base of the pyramid), while three (including the Chairman and Deputy Chairman) are appointed by the FRB in Washington.

Off to the side stands the final element of statutory organization, the Federal Advisory Council (FAC). This group of twelve men is composed of one commercial-banker representative from each District, annually elected by the respective regional Boards. The FAC meets quarterly with the FRB to discuss general business conditions and may make recommendations to the Board on matters of policy. The twelve Reserve Bank Presidents constitute a non-statutory Conference of Presidents that meets three times a year; a Conference of Reserve Bank Chairmen meets annually with the FRB.

The Location of Policy Powers. The three major tools of monetary policy are the rediscount rate charged by Reserve Banks to member bank borrowers on their loans from the System; the setting of reserve requirement levels for the member banks; and—most important today—open market operations in securities of the federal government. Decisions regarding each of these instruments is formally located in a different organ of the System, although (as will be developed below) channels for advice and influence cause a mingling of the decisional powers in fact. The levels of reserve requirements are set by the FRB; open market policy is a function of the Open Market Committee (OMC), thus providing the regional and quasi-private elements of the System with formal access to the heart of monetary policy formation; and the Reserve Bank Boards of Directors share with the FRB formal authority over the discount rate. The rate is "established" every fourteen days by each regional Bank, but "subject to the review and determination" of the Board of Governors. In addition the FRB shares with the Comptroller of the Currency, the FDIC and state authorities a very considerable list of regulatory and supervisory powers over member banks and their officers.

Functional Change Since 1913. When established, the Federal Reserve System was thought of as exercising only the technical function of quasi-automatic adjustment of an elastic currency supply to the fluctuating needs of commerce and industry. The System was pictured as a "cooperative enterprise" among bankers for the purpose of increasing the security of banks and providing them with a reservoir of emergency resources.[3] To this day the Federal Reserve Act mandate reflects this view: it instructs that the discount rate and open market policy shall be operated with "a view of accommodating commerce and business," and that reserve requirements shall be handled so as to prevent "excessive use of credit for the purchase or carrying of securities." Nothing in the Act relates the monetary authority to the function of national economic stabilization; yet this is its prime task today.

In 1913, it was not foreseen that the techniques of monetary policy would become instruments of economic stabilization with their consequences for employment, growth and price stability overtaking their specific banking objectives in importance. Yet this is what has happened, beginning in the Twenties but more strongly and with more explicit recognition in the policy process since the Great Crash.[4] With this shift, the operation of the Federal Reserve System necessarily moved into the political mainstream, for the goal of stabilization requires making choices among alternatives that have important and visible consequences for substantial interests and community values. Once macro-economic policy had become the primary *raison d'être* of the System, the breadth of interests involved became coterminous with the nation, not just with the bankers; and monetary policy, as well as depositors' safety, became a public concern rather than a private convenience.

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[3] E. A. Goldenweiser, *American Monetary Policy* (New York, 1951), p. 295.

A corollary of the rise of stabilization to stage center is that the scope of FRB action has become essentially national, belying the assumption of relative regional independence that underlay the original legislation. Divergent policies for each region become undesirable—even impossible—if national stabilization is to be achieved in an increasingly interdependent national economy.

II. ROLES AND INTERESTS OF THE COMPONENTS

We turn now to a comparison of formal roles and interest composition with the informal roles and interest-impact of each level of the System's structure.

The Commercial Bank Base. The formal role of the member banks is that of an electoral constituency in the selection of six of the nine directors for each Reserve Bank. While the member banks have no direct policy voice, this electoral role originally gave them an indirect one, on the assumption that the regional boards would be policy-making bodies through their authority over the discount rate. That authority is negligible today. Furthermore, the "ownership" of the Reserve Banks by the commercial banks is symbolic; they do not exercise the proprietary control associated with the concept of ownership nor share, beyond the statutory dividend, in Reserve Bank "profits." As in the large, publicly held corporation, ownership and control have been divorced. No doubt the FRB, for example in the adjustment of reserve requirements, has been solicitous for the maintenance and improvement of commercial bank earnings. But if the record of the other "independent" regulatory commissions is any guide, this would have been true regardless of their stockholdings in the Reserve Banks.

Bank ownership and election at the base are therefore devoid of substantive significance, despite the superficial appearance of private bank control that the formal arrangement creates.

Reserve Bank Boards of Directors. The Reserve Bank Boards' authority to set rediscount rates, subject to "review and determination" by the FRB, is considerably diminished by the ultimate formal authority of the latter, for "determination" includes final decision and even initiation of rate changes. It is further reduced by informal practice: to avoid the embarrassments of public disputes, discount rate policy is discussed at OMC meetings and the determinations settled upon therein are usually followed through uniformly at the next meetings of the respective regional Boards of Directors.[5] The special formalities are "of little significance; rediscount policy is made in much the same way and on essentially the same considerations as is reserve and open-market policy."[6] The nationalization of function has thus removed the basis for the assumption of regional autonomy that underlay the original grant of authority to the Reserve Banks. The major tasks of the Directors now are to provide information on regional conditions for OMC and the FRB to take into account, and to serve as a communications and public relations link between the System and local communities—both the general community and the specific "communities" of commercial banking, industry, merchants and other financial institutions. They do not exercise important substantive authority.

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[4] In the mid-1920s it dawned on the Reserve Banks—sooner than on the Treasury or the FRB—that open market purchases, first undertaken to improve Reserve Bank earnings, could be managed to offset declines in member banks' outstanding loans; see L. V. Chandler, *Benjamin Strong, Central Banker* (Washington, Brookings, 1958). The Banking Act of 1935, reorganizing the FRB and the System, ratified emergency improvisations in 1932–33 to restore bank liquidity by enabling advances to be made to member banks on the security of any of their assets deemed acceptable, and not just on "eligible" commercial paper as before. Federal deposit insurance was introduced in 1934, in recognition of the fact that more public policy objectives than the rescue of depositors in failing banks were at stake in the maintenance of confidence in the safety of bank deposits The architects of the 1913 act supposed they had, by and large, provided for the safety of deposits by establishing the rediscount privilege and strengthening bank examination powers.

[5] Joint (Patman) Committee on the Economic Report, *Monetary Policy and the Management of the Public Debt, Replies to Questions*, Sen. Doc. 123, 82d Cong. 2d sess., 1952, pp. 278–79. Cited hereafter as Sen. Doc. 123.

[6] Bach, pp. 81–82.

This may be fortunate in view of the structure of interests that prevails at this level. For the range of interests, reflecting the banker-business orientation of 1913, is narrow by legal specification and narrower still in fact. By statute, each regional Board has three classes of membership: Class A consists of three commercial bankers; Class B of three men active in commerce, agriculture or "some other industrial pursuit"; and Class C, without occupational restriction. Class C members are appointed by the FRB; the others are elected by the member banks of each region.

Class A directors are elected by a method that groups the member-bank stockholders into size categories for voting purposes and assures the selection of one director from a large bank, one from a middle-sized bank and one from a small bank within the District. Informally, Classes B and C tend to be quite similar. Both are dominated by executives of manufacturing firms, utilities, oil and chemical firms, and large distributors—although Class C also includes an occasional academic economist or publisher. Very large firms predominate; very small firms, "family farmers," and labor are not represented. The list of Directors reads like a *Who's Who* of American industry.[7]

The propriety of excluding other segments of the economy from these Boards is not a substantively important question at present because of the decline in the Boards' authority, though the appearances could themselves become a political issue. But it is worth asking what functional value this elaborate structure possesses and whether the Boards would be missed if they were simply abandoned. The informational role of the Directors could be as well—perhaps better—performed by the Reserve Bank Presidents, who are full-time officials in close daily contact with their districts.

The Reserve Bank Presidents. The Presidents, by virtue of the membership of five of their number on the OMC (and the participation of all twelve in OMC discussions) are more significantly related to the policy process than are their nominal superiors, the regional Boards.

Selection of the Presidents is by the respective Boards, but subject to FRB veto: initially private but finally public. Increasingly, they are men with substantial Reserve System experience. Two-thirds of the incumbents have had such experience; one-third have come to their posts from careers in commercial banking. Their daily contacts are with private bankers and one observer suggests that they have been "inclined to favor more cautious, mild policies that would be less disturbing to the normal courses of banking and the money markets" than has the FRB.[8] Yet another writer, granting a "commercial banker mentality" in the early days of the System, argues that a public, central banking view is coming to prevail as a majority come up through the System.[9] In one respect the Presidents have clearly differed from the FRB: in their support of a change urged by commercial bankers that would place authority for all monetary actions in the OMC—a change the FRB has opposed.

As a statutory minority on the OMC, the views of the Presidents cannot be controlling in themselves. In the apparently unlikely event of a split within the FRB segment of the Committee, however, a solid front by the five President-members would enable them to determine public policy. Since they are not appointed by the President, nor removable for policy differences with either the President or the FRB within their five-year terms, the present structure allows the possibility that policy with a highly-charged political potential may be made by men who lack even indirect accountability to the national public affected. Former FRB Chairman Marriner Eccles has pointed out the uniqueness of the arrangement in these words: "there is no other major governmental power entrusted to a Federal agency composed in part of representatives of the organizations which are the subject of regulation by that agency."[10]

The situation of the Reserve Presidents reverses that of the regional Boards: while the latter's structurally important place has been downgraded by loss of function, the former's structurally inferior position has been upgraded by increased authority.

The Board of Governors and the Board Chair-

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[7] See, for example, the *Forty-Sixth Annual Report of the Board of Governors of the Federal Reserve System* (Washington, 1960), pp. 134–48, for the list of names and affiliations as of December 31, 1959.

[8] Bach, pp. 57–58.

[9] Goldenweiser, p. 296.

[10] Joint (Douglas) Committee on the Economic Report, *Hearings, Monetary, Credit and Fiscal Policies*, 81st Cong., 1st sess., 1949, p. 221.

man. The gap between formal and informal roles in the Federal Reserve is readily apparent at the FRB level. By statute, it controls by itself only one of the major monetary instruments, the setting of reserve requirements. In fact, it is in a position to, and does, exercise authority in varying degree over all three instruments of policy—and is popularly recognized as *the* monetary policy authority. Further, the effective voice within the Board is that of the Chairman, despite the formal equality of all seven Members—and this too is popularly recognized. William McChesney Martin's name may not be a household word, but it is far better known than those of his colleagues. Over the years, the Board has seldom contained, besides the Chairman, more than one or two members at a time whose stature commanded independent respect.

The Board has final authority over discount rates through its power to "review and determine" the decisions of the Reserve Directors. The Members of the FRB constitute a seven-to-five majority in the OMC and thus—barring defections—control the most important of monetary tools. In fact, decisions on all three instruments of policy are taken on the basis of discussion within OMC. Since 1955 the Committee has been used as a "forum, a clearing-house for all of the aspects of policy determination in the System."[11] Thus the formal distribution of authority is belied in practice by unified consideration. Unified control seems inevitable, since the types of decision are logically related and it would be unthinkable to have them operating in contradictory directions. Because of the political importance of monetary policy, however, and the desirability of fiscal-monetary coordination, it is questionable whether a twelve-man, quasi-private body provides an adequate or appropriate locus for policy determination; of this, more presently.

The size, length of term and interest composition of the FRB have been the subject of considerable Congressional attention and have undergone some change over the years. The Board began with five appointed Members with staggered ten-year terms and two *ex officio*—the secretary of the Treasury and the Comptroller of the Currency. Both the latter were removed in the 1935 revision of the Banking Act, at the insistence of Senator Carter Glass, then chairman of the Banking and Currency Committee. Now there are seven Presidential appointees, and the term is fourteen years. No Member, incidentally, has yet served a full fourteen-year term, but a few have served *more than* fourteen years through successive appointments to unexpired terms.

The Chairman is selected by the President for a four-year, renewable term. This definite term was adopted in 1935, apparently with the intent that an incoming President should have a free hand. Resignations and new appointments have not coincided with presidential inaugurations, however, with the result that the incumbent's appointment, for example, expires in 1963.

The Federal Reserve Act has from the beginning stipulated group-interest qualifications for FRB Members. Originally, two had to be experienced in banking or finance, and the total membership had to provide "fair representation" of industrial, commercial and financial interests—as well as a regional balance designed to avoid eastern "domination." In 1922 the requirement of financial experience was dropped and agriculture was added to the list of represented interests. The actual composition for the 1914–50 period was as follows: thirteen from banking, five each from business and agriculture, and four from law.[12] Those appointed since 1950 have included one from private banking, two from business, two from agriculture and one each from the deanship of a business school and from a government career. Two of the post-1950 group also had experience of several years each on a Reserve Bank Board and one appointee's major experience had been as a Reserve Bank officer. "Promotion from within" is the trend. Among the major organized interests, labor is conspicuous by its absence. Business has been represented, but by substantial independents (ranchers, lumbermen, realtors) rather than by executives of large industrial corporations.

The size, length of term, interest composition and geographic distribution are all of questionable value to the System's policy functions and administrative effectiveness. It has been argued that fourteen-year terms provide an opportunity for Members to develop a knowledge of monetary economics and that they insulate the Board from partisan considerations. But many posts of equal technical complexity in other agencies are adequately staffed on a much shorter basis and, more importantly, insulation from politics is as impossible as it is democratically undesirable for an agency functioning so near the center of national economic policy. I shall return to this point later.

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[11] Chairman Martin in Senate Committee on Finance, *Hearings, Investigation of the Financial Condition of the United States*, 85th Cong., 1st sess., 1957, p. 1260. Cited hereafter as Senate Finance Committee *Hearings*.

[12] Bach, p. 119.

Although replacement of the Board by a single executive has been suggested only rarely, many observers, including Chairman Martin, are on record as favoring a smaller group than seven, on the ground that more capable men might then be attracted to the Board.[13] Clearly a seven-man board cannot collectively negotiate effectively with the President, the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, or the lending agencies whose programs impinge on economic stability; yet coherent policy requires negotiation, consultation and program coordination constantly. Nor would a five-man board be notably better in this respect.

As it is now, the Chairman *is* the Federal Reserve Board for purposes of negotiation. In recent years he has lunched with the Secretary of the Treasury weekly,[14] and has sat in with the President's informal inner council on economic policy.[15] Congressional committees rely upon the Chairman to speak for the Board and rarely bother to interrogate other Board members. These arrangements apparently work because none of the other members is strong enough, personally or politically, to challenge the Chairman; and also, it seems reasonable to suggest, because there is no alternative save chaos. It is supported too by the tradition of secrecy that attends the actions of central banks, and that is defended as necessary to prevent the exploitation of leaks to private advantage: the fewer the negotiators, the less the likelihood of leaks. The gap between formal structure and the necessities of action reflected in the informal but decisive accretion of power to the Chairman (not only to the incumbent, but to McCabe and Eccles before him) is too great to be bridged by a minor adjustment in the size of the group.

Because of the importance of the Chairmanship, and the necessity for cordial relations between the head of the FRB and the President, Martin and McCabe have both suggested that the four-year term of the Chairman should end on March 31 of the year in which a President begins his term of office. Simpler still is the suggestion that the Chairman's term should be at the President's pleasure, as with most other national regulatory commissions. Whichever way the matter is handled, the need is for a relationship of mutual trust between President and Chairman, both for the sake of consistent economic policy and for democratic accountability through the President as chief elected representative of the public.[16] The present system of a fixed four-year term that (accidentally) does not coincide with Presidential inaugurations is unfortunate on both counts. Moreover, since the staggered 14-year terms of members expire in January of even-numbered years, a new President—even if the Chairman stepped aside—would be confined to the membership he inherits, in choosing a new Chairman, unless some member resigned to create a vacancy.

The policy suitability of geographic and interest qualifications for membership on the Board is a question that would become moot if the Board were replaced by a single head. If not, the answer must be that such qualifications are unsuitable because they are irrelevant and, in their present form, inequitable as well. They are irrelevant because the function of the Board is no longer simply to accommodate business, but to stabilize the national economy. The Board is not engaged in mediating group conflicts where the direct representation of parties-in-interest may be an irresistible political demand, but in a task of economic analysis and political judgment affecting the interests and values of *all* groups and individuals. Given the agency's function, independence of mind and familiarity with government finance and money markets, and with macro-economic analysis, are far more desirable qualifications than group representation.[17] Sensitivity to basic political currents—a quite different kind of "expertise"—is also pertinent, but not sensitivity only to the needs of a few special segments of the economy. The geographic qualification is equally irrelevant because of the nationalization of economic forces; five of the twelve districts must go unrepresented at any given time, as it is. And some geographic spread would be secured in any event, although without the severely restrictive effects of the current requirement upon the availability of capable men, simply because Presidential politics would work in this direction in the FRB as it does in cabinet and Supreme Court appointments.

The inequity of existing group representation requirements lies in the exclusion of interests as much affected by monetary policy as those that are included by statute. The present range reflects the original, restricted concept of the System. Today if groups are to be represented as such labor has as strong a claim as the farmers or industrialists, because employment levels are dependent on monetary policy to a significant extent; fixed-income receivers, whether corporate bond-clippers or Social Security pensioners, are directly and adversely affected if the tools of the FRB are not used with sufficient vigor to combat inflationary tendencies. Chairman Martin has even defined the objectives of monetary policy as providing job opportunities for wage earners and protection of those who depend upon savings or fixed incomes.[18]

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[13] Sen. Doc. 123, p. 30.

[14] Senate Finance Committee *Hearings*, 1959, p. 2180.

[15] Conversation with staff members, Council of Economic Advisers.

[16] Bach, pp. 227–28.

[17] See Chairman Martin's remarks, Sen. Doc. 123, p. 300, and Bach, p. 121.

One political consequence of the existing interest exclusions is to lessen the acceptability of monetary policies in the eyes of organized labor—or, at least, in the eyes of its leadership. The AFL-CIO Executive Council launched an attack in February, 1959, on banker and corporate-executive "domination" of the Fed, drawing a direct connection between the pattern of representation at both national and regional levels and what it called "misguided anti-inflation measures" that stifle growth while increasing bank profits.[19] As we have seen, the regional Boards lack the power to determine policy independently and the labor complaint is misdirected to that extent. Yet the *appearance* of the System may be as important as the substance in determining reactions to policy, and the appearance leaves the System open to this type of charge. As regards the national Board, the charge *could* have relevance: a labor representative might be more hesitant than other members in espousing "hard" policies that could dampen employment; but it is equally possible that he would in time adopt the coloration of his surroundings, which in the case of the Federal Reserve would apparently mean an institutional bias for "sound money" and a priority for anti-inflation goals.

Even if labor and pensioner representation were added, however, the list of affected interests would be far from exhausted. As Emmette Redford has written of interest representation in regulatory agencies generally, "It is difficult, if not impossible, to include representation of all the interests which might legitimately make a claim for some representation."[20] A non-interest or "general interest" criterion for appointments would be the simplest way to avoid the problem entirely if a multi-member Board is retained. A statement expressing the views of the House Committee on Banking and Currency in 1935 sums up the matter nicely:

> It is important to emphasize in the law that Board action should reflect, not the opinion of a a majority of special interests, but rather the well considered judgment of a body that takes into consideration all phases of the national economic life.[21]

The Open Market Committee and Policy Unification. In origin and development, the OMC represents the leading structural response of the Federal Reserve System to its change in function. But the response has not been entirely adequate and further modifications in the structure and scope of authority of the Committee have been advanced from a number of quarters.

When the System began operations, the discount rate and the levels of reserves were thought to be the major tools of policy. As the public debt grew, and as the macro-economic function of stabilization developed, open market operations by the Reserve Banks increased in importance. The initial structural response came in 1922 when an Open Market Committee was established informally, more under the leadership of President Benjamin Strong of the New York Reserve Bank than of the FRB. The Banking Act of 1933 gave the OMC statutory recognition as a twelve-man group, selected by the Reserve Banks, to carry on open market operations under rules laid down by the FRB, thus substantially increasing the power of the national, public component. The Banking Act of 1935, largely written by then-Chairman Eccles as an effort to enhance the centralized, public character of the monetary authority, reorganized the Committee into its present form: the seven FRB members and five Reserve Presidents.[22] (The House version—not enacted—of the 1935 Act would have gone further with the centralizing process by transferring authority for open market operations to the Board alone, with a requirement of consultation with an advisory committee of the regional Banks.)

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[18] Senate Finance Committee *Hearings*, p. 1262.

[19] Statement (mimeograph) of the AFL-CIO Executive Council on *Monetary Policy* San Juan, Puerto Rico, February 24, 1959. See also, *New York Times*, February 26, 1959, p. 30, and March 6, 1959, p. 24.

[20] *Administration of National Economic Control* (New York, 1952), p. 270; and see ch. 9 generally.

[21] House Report No. 742, 74th Cong., 1st sess. (April 19, 1935), p. 6.

[22] Marriner S. Eccles, *Beckoning Frontiers* (New York, 1951), pp. 167–71. These pages contain an excellent capsule summary of OMC development.

In short, change in economic circumstance, *i.e.*, the growth of a large federal debt as an inescapable component of the nation's financial structure, and the development of a new function led to an institutional addition to the System. Informally, the change has gone one step further: as mentioned earlier, the OMC is used as a forum for discussion of the entire range of monetary actions, not just for decisions regarding the tool that lies formally within its jurisdiction.

There is widespread agreement among participants and observers that unified handling of the three major techniques is essential for coherence; but there is sharp disagreement over the appropriate composition of the OMC and over the division of labor between OMC and FRB. The disagreements involve in a politically sensitive way the central-regional and public-private balances in the policy process. The range of specific proposals is as follows:

(1) Consolidate all instruments in a publicly appointed Board, either the present FRB or a smaller one, abolishing the OMC but requiring consultation with the Reserve Bank Presidents. Variants of this have been suggested by the Hoover Commission Task Force, Eccles, and Bach, who see this approach as the proper way to secure the advantages of both public responsibility and "grass roots" information.[23]

(2) Consolidate by merging the OMC and FRB into a single Board constituted of three Members appointed by the President and two Reserve Bank Presidents, each of the latter group serving full time for a year on a rotating basis. This was proposed by former Chairman McCabe in 1949 as the proper change if any were to be made at all;[24] it would have the effect of displacing the New York Bank President from his present permanent seat on the OMC.

(3) Consolidate in the OMC as presently constituted. This is the position once favored by the regional Presidents.[25]

(4) Consolidate reserve requirements and open market policy in a reconstituted OMC consisting of the present five Reserve Bank representatives and a smaller FRB of five Members—thus creating an even balance between central and regional, publicly and semi-privately appointed elements. This proposal was advanced by the New York Clearing House Association, which also urged that in case of a disagreement between a Reserve Bank and the FRB over the rediscount rate, either party should be allowed to refer the question to the OMC for final decision.[26] The Association apparently felt that commercial bank influence was greater with the Presidents than with the national Board.

Those preferring no change at all include Martin, who has defended the existing arrangement as consistent with the "basic concept of a regional" System and as a way of promoting close relations between the Presidents and the Board.[27] The Patman subcommittee saw no reason, as of 1952, to disturb the *status quo*, but Representative Patman has more recently proposed consolidation in an enlarged FRB of twelve Presidential appointees.[28]

The rationale underlying the all-powers-to-the-Board approach can be summarized in the principle that public functions should be lodged in public bodies, and the assertion that open market operations are in no sense regional in character. Eccles has pointed out that the Reserve Presidents are not appointed by or accountable to either the President or Congress, and for this reason argues that their participation in national, public policy formation is inappropriate.[29] Bach has emphasized the national character of open market policy,[30] and he is joined in this view by Jacob Viner, who has said that:

> The regional emphasis in central banking is an obsolete relic of the past. No country, not even Canada, which is much more a collection of dis-

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[23] Commission on Organization of the Executive Branch of the Government, *Task Force Report on Regulatory Commissions*, Appendix N, January, 1949, pp. 113–14; Eccles, pp. 224–26; Bach, pp. 234–35.

[24] Joint Committee on the Economic Report, *Monetary, Credit, and Fiscal Policies, A Collection of Statements*, 81st Cong., 1st sess., 1949, pp. 68–69.

[25] *Ibid.*, p. 162. By 1952, the Presidents were less enthusiastic for change (see Sen. Doc 123, p. 673). They perhaps feared that the unified control might go to the FRB rather than to the OMC if the subject were opened up at all.

[26] New York Clearing House Association, *The Federal Reserve Reexamined* (New York, 1953), pp. 138–39.

[27] Sen. Doc. 123, p. 294.

[28] Subcommittee on General Credit Control and Debt Management, Joint Committee on the Economic Report, *Monetary Policy and the Management of the Public Debt*, Sen. Doc. 163, 82d Cong., 2d sess. (1952), p. 54; H. R. 2790, 86th Cong., 1st sess. (1959).

[29] Joint Committee on the Economic Report, *Hearings, Monetary, Credit and Fiscal Policies*, 81st Cong., 1st sess. (1949), p. 221.

[30] Bach, p. 234.

tinct economic regions than is the United States, has thought it expedient to follow our initial example of introducing regionalism into central banking.[31]

The argument for OMC as the top body derives from the importance attributed to regionalism and (inferentially at least) from a belief in the financial community that the Committee is more sympathetic than the FRB to the felt needs of bankers. The regional case has been most strongly stated by President Delos C. Johns of the St. Louis Reserve Bank:

> Each Reserve bank president is in a position to judge possible alternatives of national monetary policy with due regard to the particular characteristics of his region. This makes for adoption of national monetary policy that squares realistically with actual conditions in the regions. . . . [32]

Macro-stabilization as the major function of the System clearly forecloses regional devolution in the making of policy, yet regional circumstances should be considered. The valid claims of regionalism, however, require only a consultative voice, not a decisional one. And public policy, I would agree with Eccles, should not be made by a body containing men who are not accountable to the national public whose welfare is affected by the decisions made.

In *operations*, as distinct from policy determination, regionalism may well possess continued utility; and centralization of policy is entirely compatible with a considerable degree of regional diversification in operations. The point of greatest overlap between national policy and Reserve Bank operations appears to be in the handling of the "discount window," that is, the ease or difficulty with which a member bank may avail itself of the rediscount privilege. A uniform national policy could, for example, suggest "easier" loan conditions in any District whose area rate of unemployment was "x" percentage points above the national average, and thus provide for regional differentiation while maintaining central policy control.

Federal Advisory Council. The Federal Advisory Council began as a compensation to the commercial bankers for their failure to obtain direct representation on the FRB.[33] Its function today has been described as providing "firsthand advice and counsel from people who are closely in touch with the banking activities of their particular districts,"[34] although available information does not explain how these bank representatives are able to contribute something that the Reserve Bank Presidents, with their extensive staff aids, could not supply as well or better. Assuming that their advice is not redundant, however, it is questionable whether the FRB should accord *statutory* advisory status to commercial bankers only, now that the System's policy may affect many other social groups just as significantly as the bankers; *e.g.*, non-bank financial institutions, home builders, state and local governments, Golden Age Clubs, wage-earners, and so on. The Board has at times used formal consultants from outside the commercial banking sphere, as when consumer credit regulations were being formulated;[35] but this is apparently infrequent. Once again, we see that the System's structure has become outmoded by the change in scope of function.

III. THE FEDERAL RESERVE AND NATIONAL ECONOMIC POLICY

The analysis to this point has focused upon internal factors. We come now to the questions: What is the source of the Federal Reserve's policy goals? Does existing structure adequately relate the monetary authority to the President and to the monetary management operations of the Treasury, to lending agency decisions, and to the Council of Economic Advisers? Does an adequate mechanism exist for resolving disputes that threaten the coherence of an Administration's over-all economic policy? These can only be answered by going beyond the internal organization of the Fed to a consideration of its external relationships.

The first place to look for the mandate of an agency is in its organic statute; but the Federal Reserve Act deals sparsely with the matter of goals, and has in any case, as already noted, been outpaced by events. Since the law does not provide a mandate fitted to the modern concerns of the System,[36] it is to the Employment Act of 1946 that one must look for goals written in macro-economic language: "it is the continuing policy and responsibility of the Federal Government to use all practicable means . . . to promote maximum employment, production, and purchasing power." This declaration applies to the Federal Reserve as to all other agencies of the national government, and is often mentioned in FRB descriptions of the System's role. But as a policy guide it is less than complete. For one thing, it does not mention price stability, although it has been widely interpreted as including this goal by logical extrapolation from those explicitly specified. For another, it leaves open such questions as, should employment be maximized today by measures that may bring on unemployment tomorrow by over-stimulating a "boom," or conversely, contribute to unemployment today lest inflation come tomorrow?

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[31] Subcommittee on General Credit Control and Debt Management, Joint Committee on the Economic Report, *Hearings, Monetary Policy and the Management of the Public Debt*, 82d Cong., 2d sess. (1952), p. 756, cited hereafter as General Credit Control Subcommittee *Hearings*, 1952. Regionalism in the Federal Reserve—or at least its modern defense—perhaps owes more to an unexamined bias in favor of "federalism" as a matter of political ideology than to an empirical examination of the national economic structure.

[32] Sen. Doc. 123, pp. 677–79.

[33] Robert E. Cushman, *The Independent Regulatory Commissions* (New York, 1941), p. 160.

[34] Martin, in Senate Finance Committee *Hearings*, 1957, p. 1261.

[35] Letter, Kenneth A. Kenyon, Assistant Secretary, Board of Governors, to the author, August 17, 1960.

Thus the Employment Act mandate shares the imprecision of most such statements. While it could perhaps be sharpened, a need for interpretive subsidiary definition probably cannot be eliminated because any language tight enough to do this would inevitably place too inflexible a straight-jacket on agency operation.[37] Elaboration of goals at later stages of the policy process may be expected to continue. The President, who enters office with a vague mandate that is partly personal, partly party doctrine, commonly sets at least the tone for the specific interpretation of statutory directives, by the nature of his appointees. But the President's authority over the Federal Reserve is restricted, unless vacancies occur, to one appointment of a member (for fourteen years) every other year starting a year after his own term begins; and to appointment of the Chairman for a fixed four-year term. The independence of the agency conflicts with the President's responsibilities for overall economic policy.

In support of the position that independence should prevail—*i.e.*, that the FRB should not take its mandate from the President—the argument is advanced that anti-inflationary measures are unpopular though necessary; that "hard" decisions are more acceptable "if they are decided by public officials who, like the members of the judiciary, are removed from immediate pressures";[38] and that the accountability of the System to the electorate is adequately achieved through its responsibility to Congress.[39] On the other side, the President is required by the Employment Act to submit a program for achieving the Act's goals; such a program must include recommendations on monetary policy to be meaningful; and thus the President must be "the coordinating agent for the whole national economic program."[40] Men on both sides agree on one point: there should be a strong advocate within the government for the monetary stability viewpoint, and the central bank is the logical home for such advocacy. The major disagreements are whether a substantial degree of insulation from other agencies engaged in economic policy determination helps or hinders the expression of that viewpoint, and whether a clear locus of authority is required for settlement of disputes between the institutions variously responsible for monetary and fiscal policies.

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[36] Had Eccles been successful in writing his ideas into the 1935 amendments to the Federal Reserve Act, the Act would have anticipated by eleven years the declaration of national economic policy adopted in the Employment Act. The Eccles mandate would have directed the FRB "to exercise such powers as it possesses in such manner as to promote conditions conducive to business stability and to mitigate by its influence unstabilizing fluctuations in the general level of production, trade, prices, and employment so far as may be possible within the scope of monetary and credit administration." H. Rept. No. 742, 74th Cong., 1st sess. (1935), p. 9.

[37] An attempt to clarify the Federal Reserve's role by means of a clearer mandate has been urged by Senator Paul Douglas and by Jacob Viner, see Sen. Doc. 163, p. 74; General Credit Control Subcommittee *Hearings*, 1952, pp. 771–72. It has been opposed by Goldenweiser and the Reserve Bank Presidents: *ibid.*, p. 765; Joint Committee on the Economic Report, *Monetary, Credit, and Fiscal Policies, A Collection of Statements*, 81st Cong., 1st sess. (1949), p. 101. The absence of any mandate legislation since the Employment Act suggests insufficient Congressional consensus upon its substantive content. Organized labor has opposed amendments to add price stability to the goals of that Act, as intended to water down its emphasis on "maximum employment."

[38] Martin, in Sen. Doc. 123, p. 242.

[39] See, for example, FRB Research Director Ralph A. Young's remarks, Antitrust Subcommittee, Senate Committee on the Judiciary, *Hearings, Administered Prices*, 86th Cong., 1st sess. (1959), Part 10, pp. 4887–91.

[40] See H. Christian Sonne's comments, from which the quotation is taken, in General Credit Control Subcommittee *Hearings*, 1952, pp. 848–50.

The issue of FRB accountability to Congress is a false one and should be exposed as such. Contrary to a myth strongly held by System spokesmen—and many Congressmen—the FRB, even more than the other regulatory commissions, is *less* accountable to Congress than are the line departments in the Presidential hierarchy. The Federal Reserve does not depend on appropriations and thus is freed from the most frequently used tool of Congressional administrative supervision. And Congress has exercised an unusual degree of restraint in even suggesting its policy views to the Board. All executive agencies that have statutory bases may be said to be "creatures of Congress," and those with single heads are more easily held accountable than those with boards that diffuse responsibility.[41] For agencies with substantive powers, the price of accountability to Congress is accountability to the President.

On the need for a coordinating authority, Martin's position has been to grant the need for coordination but to argue that it can be achieved adequately through informal consultation.[42] The Advisory Board on Economic Growth and Stability established by President Eisenhower in 1953 would appear to be in line with his thinking: ABEGS (under leadership of the then CEA Chairman Arthur Burns) could bring about full exchange of information and full discussion, but could not *commit* the participating agencies to a unified course, even before it fell into desuetude after Burns' departure. The same was true of the Treasury Secretary-FRB Chairman luncheons and the President's informal economic policy discussions with agency heads during the Eisenhower Administration. Thus the problem of a possible stalemate or contradiction between Presidential and FRB policy is not resolved by these consultative arrangements.[43] A stronger incentive toward reaching consensus would be provided by the Clark-Reuss bill.[44] This would make it the "sense of Congress" that the President's Economic Reports under the Employment Act should include "monetary and credit policies to the same extent as all other policies affecting employment, production and purchasing power," with provision for inclusion of an FRB dissent, if necessary, in the Reports.[45] But again, unity would not be assured and accountability would remain obscure. Only if the FRB Chairman served at the will of the President, and a centralized authority directed the use of all credit instruments, would a formal basis for cohesion and accountability be laid.

Would a proposal of this kind mean the subordination of monetary stability to a frequently assumed low-interest, easy money predilection in the Treasury Department and the White House? While an unambiguous "No" cannot be given in reply, the weight of argument is in the negative direction. Independence may mean isolation rather than strength, for independent agencies lack the power of Presidential protection and Presidential involvement. Paradoxically, the real ability of the Fed to influence national economic policy might very well be increased if its formal independence were diminished. Have not the informal steps taken in the past seven or eight years toward closer liaison between the FRB and Presidential policy makers already made the Board (*i.e.*, the Chairman) somewhat stronger than was the case during the Truman Administration?

In addition to Presidential elaboration of Congressional policy statements, further interpretation is invariably made at the agency level. When the FRB or OMC decides to change, or not to change, the degree of restraint or ease in credit policy it is deciding—*necessarily*—whether to place emphasis for the short-run on the price stability or the maximum-employment-and-growth side of its imprecise mandate. The question of internal interpretation, therefore, is whether the policy preferences of the monetary authority are likely to coincide with those of the politically accountable originators and interpreters of the mandate. The probability is that the central banking agency will be to some extent more conscious of the monetary than of the employment-and-growth aspects of stabilization, the major reasons being (1) the role of the institution, (2) the inevitably close relationships of the policy makers to their commercial banking "clientele" as the focal point of immediate policy impact, and (3) the social backgrounds of the policy makers. The Administration (of whichever party) and Congress, however, are likely to give greater weight to employment than are the central bankers, simply because the political consequences of unemployment are likely to be—and are even more likely to be perceived as—more unfortunate for elected office holders than those of price inflation. This difference may be pronounced or slight, depending on the personal emphasis and understandings of the men involved; but that they will continue to exist even when the general orientation of both sides is similar was shown by the occasional disputes between the President's economic advisers and the FRB during the Eisenhower Administrations.[46]

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[41] For discussion of this and other pertinent administrative myths, see Harold Stein's remarks in General Credit Control Subcommittee *Hearings*, 1952, pp. 758–59.

[42] Sen. Doc. 123, pp. 263–73.

[43] See the remarks of Leon H. Keyserling and Roy Blough in Sen. Doc. 123, pp. 848–51.

[44] Its most recent form, at the time of writing, was embodied in S. 2382, 86th Cong., 1st sess.

[45] For extended discussion of the Clark-Reuss proposal, see: Executive and Legislative Reorganization Subcommittee, House Government Operations Committee, *Hearings, Amending the Employment Act of 1946*, 86th Cong., 1st sess., 1959, and Subcommittee on Production and Stabilization, Senate Committee on Banking and Currency, *Hearings, Employment Act Amendments*, 86th Cong., 2d sess., 1960.

The internal structure of authority affects FRB policy in one other respect pertinent to the mandate question. This is the absence of an instrument for dealing with what has come to be known as "administered price" or "market power" inflation; *i.e.*, inflation caused, not by excessive demand, but by the ability of unions and companies in situations of diminished competition to raise wages and prices even in periods of unutilized manpower or productive capacity. Such inflation can only be dealt with effectively by monetary or fiscal techniques if employment and growth are depressed beyond the political limits of public acceptability. A policy dilemma results. The Fed does not have (and probably does not want to have) authority to take direct action against this type of inflation. Nor, since the tools for such action would be non-monetary in nature,[47] is it appropriate that the central banking agency take on such a task. Yet in the absence of any but the traditional instruments the FRB is faced with a cruel choice: its own rationale calls for it to fight inflation, but doing so would create rising unemployment. If it refrains from acting, in order to preserve high employment, it may fail to stop inflation. Does it have a mandate to make such a choice? One could be extrapolated from the general stabilization directive, but not with any clear political sanction. As economist Gardiner C. Means has said, "there is a good deal of question whether such a momentous decision should rest with the Federal Reserve Board."[48]

IV. CONCLUSION

The basic finding of the analysis presented above is that the formal structure of the Federal Reserve System is inappropriate to its functions and out of line with informal arrangements that have the logic of necessity behind them. These gaps flow from changes in the monetary authority's function and in the structure of the economy. Devised as a service agency for banking and commerce—to achieve a semi-automatic adjustment of the money supply—the Federal Reserve has become as well a policy-making institution with major responsibility for national economic stabilization. Ancillary arrangements for interest representation based on an assumption that monetary actions were of important concern only to bankers and businessmen now have the appearance of unjustified special access because the range of affected interests and values is seen to be as broad as the nation itself.

Informal developments—most notably the unified handling of major monetary techniques and the preeminence of the Chairman's position—and the formal changes of 1935 that in a degree public-ized and nationalized the Open Market Committee did something to improve the fit of form to function. But these alterations have not been sufficient to ensure adequate accountability for what is today an authority of first rank political importance; they have not brought the quasi-private "face" of the System into line with its public responsibilities; and they do not provide a sufficient organizational base for coherent integration of the fiscal and monetary components of national economic policy. A more complete face-lifting is in order.

The Chairmanship is the key both to accountability and to effective performance. The four-year fixed term, having produced a result contradictory to the one intended, should be repealed in favor of service at the pleasure of the President. The informal preeminence of the Chairman should be recognized formally by abolishing the Board and the OMC and centralizing authority over the discount rate, reserve requirements and open market operations in the hands of the Chairman, who might be re-titled the Governor of the Federal Reserve System. The need for information from below could be handled through regularized reporting from the Reserve Bank Presidents on regional conditions, and by strengthened staff analysis in the Office of the Governor. By these alterations, the public, *i.e.*, political, quality of monetary policy would be accorded appropriate recognition; responsibility would be clearly located; a means of settling possible disputes between fiscal policy under the President and monetary under the Fed would be created; and the process of consultation and negotiation by the Fed with the Treasury, the CEA and the lending agencies would be made more effective. In short, a single head, enjoying the confidence of the President, would be able to speak with vigor for the central banking viewpoint in the formation of economic policy; yet once the deliberations had been completed an assurance would exist that the Fed would be at one with the rest of the government in executing the policy determined upon.

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[46] *E.g.*, in the spring of 1956; see discussion in Senate Finance Committee *Hearings*, 1957, pp. 1361–63.

[47] See Emmette S. Redford, *Potential Public Policies to Deal with Inflation Caused by Market Power*, Joint Economic Committee, Study Paper No. 10 for Study of Employment, Growth and Price Levels, 1959.

[48] Antitrust Subcommittee, Senate Committee on the Judiciary, *Hearings, Administered Prices*, 86th Cong., 1st sess. (1959), Part 10, p. 4917.

A second, lesser category of structural change would have the object of revising the Fed's appearance to fit the public nature of its responsibilities. Election of two-thirds of the Reserve Bank Directors by commercial banks, and "ownership" of the Reserve Banks by commercial banks, are admittedly matters of no great substantive importance today. But since they are functionless elements, and their appearance of special interest access is harmful to the legitimacy of monetary actions, the Reserve Boards should be eliminated (or, at least, all of their members should be publicly appointed) and the commercial banks' shares in the Reserve Banks should be bought out by the government—thus making the Reserve Banks in form what they largely are in fact: field offices of the national, public monetary authority.

Adoption of this series of proposals—or others, perhaps milder in form but having the same essential consequences—would significantly improve the economic policy machinery of the national government. These changes represent a logical extension of the premises of the Employment Act:

> In no major country of the world today, except in the United States, is there a central bank that can legally, if it wishes, tell the head of its own Government to go fly a kite. It seems to me that if we are to hold Government responsible for carrying out the new doctrine of economic stabilization, there must be a chain of responsibility reaching through the Presidency to all the instrumentalities that do the stabilizing.[49]

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[49] Elliott V. Bell, "Who Should Manage Our Managed Money?" An address before the American Bankers Association Convention, Los Angeles, California, October 22, 1956.

POLITICAL RECRUITMENT AND PARTY STRUCTURE: A CASE STUDY*

LESTER G. SELIGMAN
University of Oregon

The recruitment of political candidates is a basic function of political parties: a party that cannot attract and then nominate candidates surrenders its elemental opportunity for power.[1] Two stages may conveniently be distinguished in the process of recruitment. *Certification* includes the social screening and political channeling that results in *eligibility* for candidacy, while *selection* includes the actual choice of candidates to represent parties in the general election. Selection is at the focus of the contest for power within parties, and is my focus here.

Considering its importance we know too little about the dynamics of the nominating process. Most of what we do know derives from the analysis of two modal institutional types of political selection: the convention system and the primary system.[2] Experience indicates that despite their manifest purposes, these contrasting institutional types have not necessarily resulted in widely different internal party structures. A variety of party patterns in one-party states—from the tightly controlled machines in Virginia to the transient and multiple factionalism of Florida—flourish in the framework of the direct primary system.[3] Patterns of diffusing factionalism on the one hand, and of disciplined party organizations on the other are also found in states without primaries.[4] Perhaps a closer look at the active participants in the processes of selection, and their interrelationships, may shed some further light on significant factors in party structure. By interviewing candidates in party primaries we hoped to disclose the steps in nomination and the precise political relationships involved.

I. PARTY STRUCTURE AND THE SELECTION PROCESS: THE PROBLEM AND THE SETTING

Three questions structure this study. First, starting with the frequent assertion that the internal cohesion of parties will vary with the degree of competition between or among them,[5] we ask, is the selection of candidates likely to be more centralized as parties become more competitive? Second, testing the common view in the western states that most candidates are self-starters who enter the race without any organized support, what influences are involved in the way in which individuals become candidates? What are the steps in the candidacy process? Third, drawing the first two together, does the method whereby candidates enter into primary contests vary with the degree of competition among parties?

A political system in transition from one-party control to a two-party competitive situa-

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[1] E. E. Schattschneider, *Party Government* (New York, 1940), p. 64; Neil MacDonald, *The Study of Political Parties* (New York, 1955), p. 25; S. Neumann, ed., *Modern Political Parties* (Chicago: University of Chicago Press, 1956), p. 397; A. Leiserson, *Parties and Politics* (New York, 1958), ch. 3; R. T. McKenzie, "Parties, Pressure Groups and British Political Parties" *Pol. Q.*, Vol. 39 (1958), p. 7.

[2] In the machine-convention type, candidates are chosen by the party elite, using several criteria: (1) readiness for nomination as demonstrated by long service in party positions at graduated levels of party organization; (2) strong acceptability to the party's potential electoral support; (3) loyalty to party organization leadership; (4) conformity to an organizational code; (5) representativeness of an ethnic, religious group, or geographic area. More democratic entry is expressed in the idealized model of the direct primary. In a general way, the primary may be characterized as follows: (1) The party electorate chooses the candidates. (2) All candidates may freely enter into the selection contest. (3) No group or individual controls access to the party electorate. (4) The party officials and organization are formally neutral in the selection process.

[3] V. O. Key, *Southern Politics* (New York, 1949), pp. 410–12.

[4] D. Lockard, *New England State Politics* (Princeton: Princeton University Press, 1959).

[5] V. O. Key, *Politics, Parties and Pressure Groups* (New York, 1956), p. 416.

tion offers special advantages for testing these questions.[6] The state of Oregon has been undergoing such a change. Until 1954 Oregon was classed with states where the Republican Party dominated all levels of state politics: Congress, the state house, the Legislature and county offices. In 1954, a Democratic United States Senator and a Democratic Congresswoman from the third district (Portland) were elected. In both instances, new Democratic pluralities in Portland, the largest metropolitan area in the state, were decisive. Rising Democratic party influence spread from that base to the counties of the upper Willamette Valley and Columbia River. In 1956 (for the first time in over two decades) a Democratic Governor and lower house majority were elected, along with three of the four congressional seats. This dramatic shift in party strength was the product of a number of cumulative factors, among them the rise of the New Deal faction to controlling influence within the Democratic Party; the influx of job-seekers, mostly Democrats, accompanying the wartime and postwar industrial growth in the area; the patronage and financial support given the rising New Deal faction in the state by the Truman administration; the rallying of old New Deal support to the appeals of the Fair Deal; the vigorous political activity of CIO-led labor; the emergence of new political generations with ambitious and skillful leadership; the failure of the Republican Party to recruit fresh elements of leadership. All these factors interacted and (retrospectively, we add) awaited favorable opportunity. Some former one-party counties became competitive and others became new bases of Democratic strength.

A word about the legal prescriptions for candidates filing in Oregon is necessary. Oregon has a closed direct primary system; all registered party voters—but only such—may participate in their respective party primaries. Any registered party voter may file for office in his party primary contest. Under Oregon laws, the official party organization must observe strict neutrality in the primary contests. Neither the county party organizations nor the state party organizations may make pre-primary endorsements. Some legislative districts for the state legislature are single-member, others are multimember.

Two outlying counties, and two other legislative districts carved from the most populous county, were selected for analysis to represent three possible types of inter-party relationships: Democratic dominance, Republican dominance, and competitive relationships. (See Table I.) All the candidates who filed in the primary in March, 1958, for the lower house of the state legislature in these four districts were interviewed. Candidacy was conceived as a two-step process: *instigation* (primary support) and *reenforcement* (secondary support). Instigation included the events and relationships in the decision to file. After that decision, the candidate sought to enlist the reenforcing support and assistance of others; or, other people approached the candidate, offering encouragement and assistance.

TABLE I. SEATS, CANDIDATES AND TWO-PARTY RELATIONSHIPS IN SAMPLED DISTRICTS AND COUNTIES

	Seats	No. of Candidates		Two-Party Relationship
		Rep.	Dem.	
N. Multnomah Dist.	3	3	7	Dominant Dem.
E. Central Multnomah Dist.	4	8	5	Competitive
Lane County	5	8	6	Competitive
Marion County	4	7	4	Dominant Rep.

A questionnaire was constructed designed to elicit: (1) the steps in the decision to file, (2) the personal relationships involved for each candidate in the decision to file and the entry into candidacy, (3) the linkages among these relationships, *i.e.*, the association with party officials, party factions, interest groups, etc.[7] The responses confirmed our classifications of districts according to degree of party competitiveness, classifications already found consistent with voting records in the district.

II. CANDIDATE ENTRY IN A METROPOLITAN AREA

Two of the four districts chosen for this study lie in Multnomah County, which includes

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[6] L. Seligman, "A Prefatory Analysis of Leadership Selection in Oregon," *Western Pol. Q.*, Vol. 12 (March, 1959), p. 167.

[7] Some of the questions follow: (1) With whom did you first discuss your candidacy? (2) What was the response of these people? (3) Did you make the first move about your candidacy, or were you solicited? (4) Whose support (name individuals and/or groups) were you most interested in obtaining? Candidates were also questioned about their expectations of party competition from the opposing party in the general election.

Portland, the state's major metropolis. Here the opportunity odds that a county candidate can attain state-wide office are higher than for any other county.[8] Strong support in this county is indispensable to a Democrat with aspirations to a state-wide office. Democratic state headquarters are located in Multnomah county, which is the major source of funds for both parties. Portland newspapers are widely read in the state.

In 1954 the state legislature subdivided the county into five legislative districts for electoral purposes. Each district is multi-member, with several seats in the lower house of the state legislature apportioned to it. Notwithstanding the districting, the majority of the lower house representatives elected from Multnomah county as a whole were Democrats. From the five districts Portland East Central, a competitive area leaning Republican, and North Portland, a safe Democratic area, were chosen for the sample studied here.

A Competitive Situation. The majority of voters in the area that became East Central district by the apportionment of 1954 had previously voted usually for Republican legislators. In 1956 (the first election after the subdistricting) Republicans won all its four seats, though a Democratic candidate missed elec-

TABLE II. RELATIONSHIPS INFLUENTIAL IN CANDIDATE RECRUITMENT, PORTLAND EAST CENTRAL DISTRICT

	Incumbents				New Candidates			
	A	B	C	D	E	F	G	H
Republicans								
Party								
County candidates	S					P		S
Assistance Committee								
Repub. Women's Club								
Young Republicans				S				
Interest Groups								
Employer group		P						S
Commercial club							S	
Urban League						S		
NAACP						S		
Medical Ass'n.					P			
Labor-COPE	P			S				
Trade ass'n.							P	
District boosters org.			S					
Newspaper				S				
Fraternal Organizations								
Elks	S							

	Incumbents (None)	New Candidates				
		I	J	K	L	M
Democrats						
Party						
County org.						
District Chairman						
State Chairman			S			P
Factional leader		P		P	S	
Factional co-leader					P	
U. S. Senator			P			

Key: P = Primary instigation of candidacy; S = Secondary support tion by a narrow margin. Democratic registration in the area roughly equaled Republican registration. Both Democratic and Republican candidates expected a close contest in 1958. Active competition ensued in both the Democratic and Republican primaries. More candidates competed for the four lower house seats in the Democratic primary than Republicans in the Republican primary. The larger number of Republican incumbents helps to explain this.

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[8] "Political Opportunity and Political Mobility," M. A. thesis by Darrell Wilson, Department of Political Science, University of Oregon, 1960.

Among Republicans, all the incumbents filed again (see Table II), and were linked primarily to particular interest groups. Only one of these incumbents (A) indicated any relationship to the county party organization. Of the four new candidates, the county central committee solicited one (F). Another candidate (E) was given support by a medical professional organization which the candidate had previously served as a lobbyist. A third new candidate (G) had previously run and been defeated. Relying on the publicity gained from that defeat, he filed again on his own. He did receive secondary support, however, from some labor associates and friends on a leading newspaper. A fourth candidate (H), also self-initiating, sought and received support from the county central committee, his business associates (he was a labor relations consultant and secretary of an Employers Association) and a former lobbyist. In the case of the new candidates, the county central committee reenforced and supported them in some measure. Initiation of candidacy came from business interest groups and commercial associations.

A distinctive characteristic of candidate recruitment among Democrats was the extent to which veteran party influentials were involved in the instigation of candidates (see Table II). Factional leaders played an active role in the decision of two candidates to file. Candidates also sought support from more senior, experienced party members outside the county. Among these supporters were a leading

TABLE III. RELATIONSHIPS INFLUENTIAL IN CANDIDATE RECRUITMENT, NORTH PORTLAND DISTRICT

	Incumbents	New Candidates					
	A*	B	C	D	E	F	G
Democrats							
Party							
County Chairman					S		
Dist. Dem. Forum		S		P			
Jane Jefferson Club			P	S			
State legislator				S	P		
Factional leader		P				P	
Interest Groups							
Central Labor Council							S
NAACP					S		
COPE				S			
Women's org.			S				

	Incumbents (None)	New Candidates		
		H	I	J
Republicans				
Party				
County candidates— Assistance Committee		P	P	P
Repub. women's group		S		S
Interest Groups				
NAACP			S	

* This candidate, an incumbent, denied any group relationships.
Key: P = Primary instigation of candidacy; S = Secondary support

state senator, the state chairman, and a U. S. Senator, Wayne Morse.

Multnomah County is the headquarters of the Democratic Party, and the principal base of its electoral support in the state. It is not unusual, therefore, for influential state party figures to intervene in the politics of the county. State factional leaders often seek recruits in this county.

The Democratic factionalism that developed in this county around the leading political aspirants during the party resurgence between 1948 and 1956 appears to be primarily a competition for status rather than ideological difference. The incumbent member of Congress leads one faction at odds with a faction led by the county chairman. Cleavages between the County Chairman and the National Committeeman and State Chairman are related to these.

A One-Party Situation. The North Portland District is strongly Democratic. In the first election since the subdistricting (1956), a full slate of Democrats was elected to the lower house with strong majorities. The district is predominantly lower-income and working-class, with middle-income residents at its fringe. It is more working-class, Negro and Catholic than any other section of Multnomah County.

It is also regarded as a safe district for Democrats, a fact which might lead one to expect heavy competition in the Democratic primary. The characteristics of the district electorate limit candidate entry somewhat, for it is important to be strongly identified with organized labor. If a candidate is Catholic, it helps. The Negro population in Portland is concentrated here, but still constitutes only some 10 per cent of the total population of the district.

The recruitment pattern is *diffused*, with several influential groups operating independently of each other. Factional leadership in the county played an active role in encouraging and supporting candidates, much as it did in the East Central District. Labor played an important part in providing secondary support to several candidates. The county chairman figured as instigator of one candidate and active supporter of another. One incumbent legislator (A) appeared to be that rare instance of a "lone wolf" who was counting heavily on the district's assured Democratic vote, his Irish-Catholic origins, and his established familiarity with the voters. (See Table III)

The conspicuous pattern among Republican candidates in the North Portland district is that they were all *drafted* by the county central organization. A week before the primary, no Republican candidate had filed. Early in the campaign, the Multnomah County Central Committee had set up a Candidates Assistance Committee to recruit candidates and assist them with their campaigns. Since there were no expectations of victory by Republicans in this district, candidates had to be sought out and prevailed upon to run in order to fill the ticket. Members of the Candidates Assistance Committee stated that failure to fill the ticket would make the Republican party's general prospects hopeless in the district. When no male candidates could be found, three women candidates were prevailed upon to run. Republicans hoped that women might be able to split Democratic affiliations in working class families through their appeal to women voters.

III. CANDIDATE ENTRY IN COUNTIES OUTSIDE THE METROPOLIS

Marion County, the seat of the state capital, Salem, is a Republican citadel. Steady rather than spectacular growth characterizes its recent development. Its Republican supporters are the white collar workers in government service, the small businessmen, and the wealthy farmers of its rich agricultural hinterland. Throughout almost all its history this county has been a Republican stronghold. In 1958, the Republican party still enjoyed a substantial registration lead over the Democrats. In 1956, to be sure—the year of the Democratic upsurge—one Democrat had been elected to the lower house of the legislature to represent this county, even though Democrats were unable to field a full slate of candidates for the legislature.

Republicans showed little evidence of having a problem of candidate recruitment. The four Republican incumbents filed again. Interviews indicated that the county organization played no apparent role in soliciting candidates. An incumbent legislator, a veteran of several sessions, served as a paternalistic advisor to a young candidate (E) (See Table IV). This candidate was receiving his greatest support from one of the party's gubernatorial candidates, a leading figure in the Republican party in Marion County, in an effort to unseat one who was termed a veteran legislator. This was the only incidence of factionalism. Two candidates (F, G) reported no group relationships or self-generated circles were involved in the initiation of their candidacy. They were lone wolves in an uphill fight against the incumbents.

Long established Republican success in this area had made a ritual of candidacy and campaigning. The incumbents therefore assumed

TABLE IV. RELATIONSHIPS INFLUENTIAL IN CANDIDATE RECRUITMENT, MARION COUNTY

	Incumbents				New Candidates		
	A	B	C	D	E	F*	G*
Republicans							
Party							
Gubernatorial candidate					S		
Young Republicans					P		
Incumbent legislator					S		
Interest Groups							
Business groups		S					

	Incumbents (None)	New Candidates			
		H	I	J	K
Democrats					
Party					
County Exec. Committee		P	P	P	
County Commissioner, Multnomah County				S	
Interest Groups					
Railroad labor union			S		
Women's group				S	
Trade ass'n.					S

* These candidates were self-recruited.

Key: P = Primary instigation of candidacy; S = Secondary support

that they would win both the primary and general election with ease.

The Marion County Democratic party had been in the minority since as far back as the 1880s. Because of this, and of the failure of their one victor in the 1956 election to run again, Democratic leaders were faced with the problem of finding candidates to enter the primary, just as Republicans were in North Portland District. Expectations were that at best no more than one Democrat might be elected.

Three of the Democratic candidates were actively solicited by the county inner circle. Candidate H was a member of the party inner circle. He received full support from the party organization, in hopes that he might surmount the bleak Democratic prospects. Candidates I and J were also instigated by the county organization. All three were given active assistance by the party, and worked in concord. Candidate K was self-recruited, relying on his business contacts for support. He ignored the party organization and entertained high hopes of winning by presenting himself as a conservative Democrat, who could be acceptable to Republican voters.

A Competitive Situation. Lane County, at the head of the Willamette Valley, has a population of 150,000 and elects five representatives to the lower house of the legislature. It recorded a considerable postwar population increase in the wake of industrialization. The lumber industry ranks first in economic importance, followed by wholesale and retail trade. This county is the home of the state University at Eugene.

In 1954 the county registered a Democratic lead for the first time since the Civil War. Three Democrats were among the five lower house legislators elected in that year. By 1958, the Republican Party had become a slight minority party in registration and was therefore on the defensive.

A clear political cleavage between generations was evident among the Republicans. The bi-factional split among Republican candidates was based on age differences that reflected diverse political orientations. Two of the candidates (C and F) were in their mid-30s, and residents of the county seat. Both were businessmen and strongly identified with Eisenhower and "modern Republicanism." Both gubernatorial candidates in the state primary

TABLE V. RELATIONSHIPS INFLUENTIAL IN CANDIDATE RECRUITMENT, LANE COUNTY

	Incumbents		New Candidates					
	A	B	C	D	E	F	G	H
Republicans								
Party								
County Chairman				S				
Young Republicans						P		
Gubernatorial candidate X.			S			S		
Former legislator					P			S
Gubernatorial candidate Y.			S			S		
Incumbent state senator			S	S	S	S		
Interest Groups								
Farm groups								P
Business group V.		S	P					
Church association	S							
Newspaper publisher				P				
Business group W.					S			
Local community group							P	

	Incumbents		New Candidates			
	I	J	K	L	M	N
Democrats						
Party						
County Chairman		S	S			S
County Exec. Comm.				P		P
Sub-Area County Chmn.		S				
Candidate for state senate		S				
Congressman		S				
Former legislator	S					
Governor's ass't.	S					
Municipal official	S					
U. S. Senator	S					
Interest Groups						
COPE			P		S	
Local labor union					P	
Farm group				S		

Key: P = Primary instigation of candidacy; S = Secondary support

actively supported these younger men. This was another instance of outside intervention in a county recruitment process by state-wide leaders. Two candidates (G and H) were avowed exponents of older vintage Republicanism. One was a retired merchant; the other a farmer. They were in their sixties, natives of the state, and sons of farmers. One had served eleven terms in the legislature. The fifth candidate, a 59-year-old farmer and long-time County Commissioner, was "unavailable" for interview.

Candidates in each faction attributed party setbacks in the past to the other wing. The "modern Republicans" maintained that county candidates had been the "old guard" that refused to acknowledge changed social and economic conditions. The "conservatives," on the other hand, stated that the "me-tooism" of the modern Republicans was destroying the party. The central coordinator of the party was a veteran and incumbent State Senator, who was in frequent communication with many candidates (Table V). The county chairman and county officials played a minor role in recruitment.

The three Lane County Democrats elected in 1956 all belonged to the younger generation in the party. They had recently gained ascendancy over an old guard element that had controlled the party throughout the several decades of its defeated and minority status. The pattern of primary instigation and secondary support (see Table V) indicated that each candidate had his own primary initiation circle, while all had secondary support from the county chairman or members of the county executive committee, or both. Because of this party secondary support, something like a "ticket" resulted.

Close party competition appeared to induce greater intervention by the county party officials, working in the interests of harmony and future victory to heal the wounds left from the factional battle of 1952–1956 between old conservative Democrats and the New Deal-Fair Deal younger element. What occurred in Lane County was in microcosm the generational cleavage that had taken place in the state-wide Democratic party. The younger generation gained the leadership of the party in Lane County too. The candidates in the county consequently shared a common ideological orientation with the leadership. While there was no evidence of strong party activity in initiating candidacy, party leaders exerted powerful influence through the support they bestowed (or could have withheld) on the candidates. This autonomy, within high coordination, made the pattern difficult to classify.

IV. COMPARATIVE FINDINGS

Of necessity, generalizations derived from these data must be qualified. First, the data refer to primary elections in one year—1958—in only four selected local districts. Many more elections would have to be observed and analyzed before more generalized conclusions would be warranted. Second, it was difficult in this study to determine to what extent general rather than local factors—state-wide and national political trends—were significant. Nonetheless, certain findings on a comparative basis can be offered.

Party Recruitment Patterns and Inter-Party Competitiveness. Three generalizations appear to describe the relation between recruitment patterns and the state of competition between the two parties: (1) In areas safe for the majority party (North Portland Democrats and Marion County Republicans, see Tables III, IV) party officials were least active in instigating or supporting candidates. The political market was more free for various groups and individuals to promote candidacies. This conclusion must be qualified by the fact that these districts, because they were safe for the majority party, also had incumbents who were filing again. The established candidates were least threatened. It was less likely that party officials would intervene unless an insurgent factional movement arose.

Factional intervention played a more important part in the safe Democratic district than in the Republican. This factionalism was not indigenous to the district, but was the state-wide party factionalism that permeated North Portland because it was another strategic arena. The important part played by "outside" factional influences was a characteristic feature of political recruitment among Democrats. The importance of the Portland Democratic vote doubtless attracts all the factional contestants for state-wide party control.

In the Republican safe county (Marion), factional instigation in candidate recruitment was less evident. This reflects the stability of this county as a solid, safe Republican area dominated by a few veteran leaders. Generational cleavages appeared, as evidenced in the active role of Young Republicans, but these were as yet not virulent. The sponsorship of the youngest candidate by a veteran incumbent legislator symbolically suggested the current relationship between young and old.

(2) In districts safe for the majority party, the "hopeless" minority party (Democrats in Marion County, Republicans in North Portland) officials had to conscript candidates for the primary. In this setting, there was the least interest group intervention, and party officials had to assume the complete initiative of finding and persuading candidates to run. Conversely, only in this setting was fully centralized party recruitment to be found.

(3) In the more competitive districts (East Central Portland and Lane County) the candidacy market place was wide open, contrary to the hypothesis that in competitive situations each party would be more centralized. Groups, factions, party officials and the casual self-motivated were to be found, without evidence of any centralized control. In these competitive areas, faction and factional leadership played an important role in instigating and supporting candidates (East Central Portland Democrats and Lane County Republicans). There is no evidence that the degree of factional leadership intervention was diminished because of the competitive character of the area. Competitive relations with the other party did not induce greater cohesion or greater centralization of recruitment in the party. The symmetry of the graph in Figure 1 is a striking illustration of the

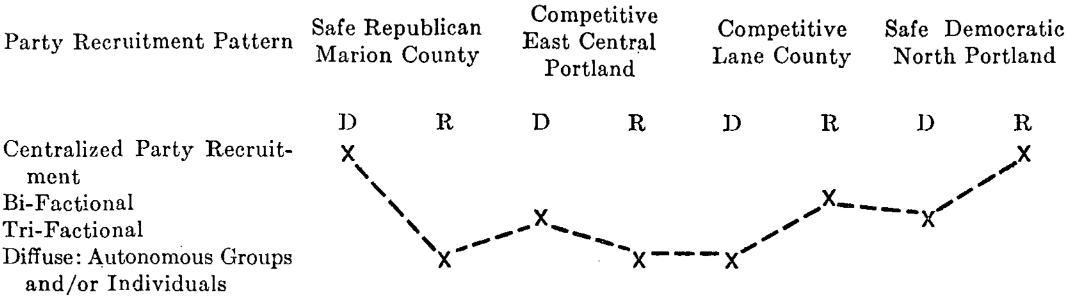

FIGURE 1. Summary: Recruitment patterns in four legislative districts

direct relationships between party competition and recruitment diffusion; and conversely, the correspondence between strong minority status in safe districts and centralized recruitment.

Primary Instigation and Secondary Support. Earlier it was indicated that candidacy might be conceived as a two-step process: primary instigation and secondary support. Party instigation and party-related instigation (other candidates, factional leaders) occurred more frequently among Democrats than among Republicans. The fact that two districts were in the metropolitan area, where state-wide party officials and candidates actively intervened, led to this result. Among Republicans, interest groups and voluntary associations played a more active role in instigation and secondary support.

When a candidate wins in the primary, the groups and cliques that crystallize around him, or attach themselves to him, tend to persist in this activity in the general election. If he wins then, it is strongly suspected that they continue to play a role after he enters into his legislative office. If this is so (and this study cannot answer that) then these candidate groups may be significant reference groups in legislative behavior, influencing the degree to which the party is harmonious or integrated in functions *other than recruitment.*

Candidacy Mechanisms. One of our major questions concerned the mechanisms of candidate entry. There is a widely held view in the western states that candidates are self-starters, free of organized social or political linkages. Our findings indicate that candidate entry in the primaries, with rare exceptions, is a *group enterprise.* More commonly, the so-called self-generated entrepreneurial candidate has a network of social relationships. He often activates politically some members of this network, but he relies heavily on their support to bolster his political aspiration.

Several different mechanisms of candidate entry can be distinguished, *i.e.*, roles that candidates played in the groups involved in the instigation of their candidacy. Identified as types, these mechanisms are: *conscription, self-recruitment, cooptation* and *agency.* On the basis of candidates' perceptions of their role, and from those in their instigation group, a definition of each type can be presented:

(1) *Conscription.* Some candidates enter by a process that can be called *conscription,* plainly seen at work in North Portland among Republicans, and among Democrats in Marion County. Conscription takes place most frequently, though not exclusively, within the "hopeless" minority party. Because the chances for success in the general election are so poor, candidates do not come forward to compete. Under these circumstances, the county party organization persuades people to run. The party must field a ticket or resign itself to more permanent defeat. Conscripts are generally drawn from the ranks of loyal party activists. The Democratic conscripts were younger, less experienced, and could more realistically entertain political aspirations than could the Republican conscripts.

(2) *Self-Recruitment.* Some candidates are largely *self-recruited,* and enter the primary like entrepreneurs, eager to get ahead by their own efforts. The self-recruited candidates join the contest without clearing with party leaders; they may be linked with factions or other groups. The self-recruited candidate is usually responsible for the formation of the clique or group that assists his campaign. Such candidates were found both in the dominant and competitive parties.

(3) *Cooptation.* By the process of *cooptation* a candidate not actively identified with the party, or party sub-group, is persuaded to run in order to enhance public support for the party or sub-group. Such candidates usually enjoy high social status; their names carry prestige; the party takes the risk of coping with their potential independence for the sake of being able to point to them as spokesmen. This type

was found most commonly in the competitive areas.

(4) *Agency.* The fourth type may be called *agency.* By this method, individuals are almost "hired" to file, with the full understanding that they are to represent organized interest groups. They might be called "lobbyists" hoping to be legitimized through election as party representatives. This mechanism involves the transformation of a lobbyist into a legislator without much apparent change in role. The interest group involved instigates the candidacy and provides funds and other campaign necessities. Candidates chosen in this way are likely to be in little communication with the party leadership.

V. POSTSCRIPT: RECRUITMENT GROUPS AND PARTY STRUCTURE

Recruitment in parties is the work of groups with various interests and goals. The linkages among these groups, or small networks, outline the party structure. Since recruitment groups have their own goals, there is unequal sharing of the larger party goals. Thus, some groups may stand to gain more by the defeat of some candidates in their own party than by their victories. The stakes in victory or defeat are not collectively shared or viewed in the same way by all. The party is first of all the candidate's immediate group. The larger party of identification on the county, state or national level may be a frame of reference only in particular contexts.

Competitive relations between parties are not of equal force, because each candidate recruitment group *has its own special goals.* Each makes its own assessment of opportunities and has its own expectations of success or defeat. These are made with lesser regard to whether other candidates will win or not, or whether the party as a collectivity will win or not. When close party competition is expected, no one's victory is sure or completely unsure; under these circumstances, it may be reasoned that it is better to hang separately than together. When there are low expectations of general victory, some candidates believe that personal magnetism can wipe out party deficits. By pursuing a private course, a candidate may hope to escape the brush that tars all members of the weaker party. In this political pattern, parties are little more than groups of office seekers.[9]

At the outset of this paper, questions were raised about the selection process as a device through which the internal structure of parties could be analyzed. Recruitment groups, some of which are relatively permanent, others more evanescent, are principal vehicles in candidate entry. Party interrelationships are a significant factor in the mechanisms of candidate entry, but less significant in determining the degree and kind of integration and cohesion among these groups. What is needed is comparative analysis of such recruitment groups, how they emerge, the pattern of interrelationships within such "small groups," the roles they play in candidate entry, campaigns, and their interrelationships with other groups and individuals in the party framework. This kind of close-range analysis may refine overgeneralized notions about elite homogeneity and intra-elite relationships, factional composition and the mechanisms of political entry. Further, such "microscopic" analysis at various stages of political "arrival and departure" may give us more precise knowledge of the dynamics of the political career.[10] At the present time, studies of this type might be corrective and complementary to recruitment analysis of political elites viewed only as aggregates.

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[9] Looked at in another light, however, there may be a virtue in free wheeling recruitment groups. A prevailing ideology extols party "integration" and "responsibility," while political entrepreneurship is dismissed as unprogrammatic and irresponsible. What may be overlooked is that in contexts of considerable social and economic change, a political environment conducive to political entrepreneurship may be highly functional. Individuals and small groups that can respond to new social and political opportunity may be catalytic agents of political change. By not having resistant and cohesive organizations, parties may thus develop greater responsiveness to such social changes.

[10] L. Seligman, "Recruitment in Politics, *PROD*, Vol. 1 (March, 1958), pp. 14–17.

PARLIAMENTARISM IN WESTERN GERMANY: THE FUNCTIONING OF THE BUNDESTAG

Gerhard Loewenberg
Mt. Holyoke College

Although universal male suffrage as the basis for a representative assembly existed in Germany half a century earlier than in Great Britain, the Reichstag never occupied as important a position in the German constitutional order as the House of Commons did in the British. Neither in its representative function of integrating the community (in Friedrich's terms), nor in its deliberative function as a lawmaking and supervisory body, did the Reichstag ever achieve the significance that would warrant describing the German system of government, either under the Second Empire or the first Republic, as a parliamentary system. The popularly elected Reichstag under Bismarck, in form so advanced for its time, existed under a constitutional system whose "artfully manufactured chaos" permitted, in reality, the exercise of authoritarian government with little parliamentary interference. When, during the latter years of the first World War, the Reichstag demonstrated an increasing ability to call governments to account, this apparent development of a parliamentary system gained a fleeting constitutional recognition during the last days of the Empire and paved the way for the provisions of the Weimar Constitution under which the Government was to be responsible to the Reichstag. Nevertheless, the republican Reichstag never actually fulfilled its constitutional functions, and in difficult times fell victim to the habits of the authoritarian past, manifesting themselves in the autonomy of the army and the bureaucracy, and the irresponsible behavior of the political parties and the President. "Surely the new constitution granted the Reichstag unquestioned leadership in the formation of policy," a political analyst of the Weimar epoch has written. "The weakness and unsureness of the practice of parliamentary government had an all the more profound effect."[1]

If there was a single motivation behind the Bonn Constitution, it was the intention of correcting what were regarded as the constitutional errors of Weimar in the expectation of thereby preventing a repetition of the history of the first Republic.[2] But to the extent that the fate of Weimar was determined not by flaws in the juridical structure but by malfunctioning of the basic institutions, the problem of parliamentary government in Germany is not primarily constitutional. The question is whether parliamentary institutions—which are not, in one form or another, new in Germany—can in reality function as a parliamentary system of government. To the extent the question can be answered, it requires a study not so much of constitutional texts but of what is now recognized in Germany too as the "living constitution."[3] Whether the Bundestag provides a real basis for a German parliamentary system, as the Reichstag failed to do, depends therefore on its operation. Can it create Governments and hold them accountable? Does it serve as a training ground for governmental leaders? What role does it play in the law-making process? Does it represent and integrate the conflicting interests of the community?

I. COMPOSITION

Under the electoral law of May 7, 1956, the third in the short history of the German Federal Republic but the first to claim permanence,[4] the Bundestag consists of 516 deputies, of whom 22 are non-voting members representing Berlin, in recognition of the special status of that city under four-power occupation.[5] Half the deputies are elected in single-member constituencies by plurality in a single ballot; the other half according to a system of proportional representation for which there is a second vote offering a choice among party lists. The seats filled from the party lists are distributed among the parties in a manner calculated to bring the seats won by each party in the single-member districts up to a total which stands in the same proportion to the total membership of the Bundestag as the party's popular vote bears to the total vote cast in the nation. In effect, this electoral system is therefore not a cross between proportional representation and a plurality system, as is often incorrectly maintained. Instead it is an attempt to personalize proportional representation. Party representation in the Bundestag under this system is identical to what it would be under proportional representation on a nationwide basis even though half the members of the Bundestag are elected in single member constituencies. The splintering effect of straight proportional representation has been limited, however, by a provision which excludes from the proportional distribution of seats those parties failing to obtain at least five percent of the total national vote or, alternatively, three seats in single member districts. Without abandoning proportionality—which all parties except the CDU regard as essential to their survival—the electoral system does thereby modify two of the most criticized features of proportional representation, its tendency to cause the proliferation of tiny parties, and the anonymity of representation which accompanies election from party lists.

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[1] Karl Dietrich Bracher, *Die Auflösung der Weimarer Republik* (Stuttgart, 1957), p. 29.

[2] John Ford Golay, *The Founding of the Federal Republic of Germany* (Chicago, 1958), pp. 113–122.

[3] See Dolf Sternberger, *Lebende Verfassung* (Meisenheim am Glan, 1956), *passim.*

[4] *Bundesgesetzblatt*, I, p. 383, as amended by the law of December 23, 1956, *BGBl.* I, p. 1011.

[5] The number of deputies can be increased by the election of deputies in single-member constituencies in excess of the number to which a party is entitled by proportional representation. Three such "superproportional" victories occurred in the election of 1957 and the third Bundestag therefore consists of 519 members. Although the members representing Berlin officially have no vote in the House, they do vote in its committees and in their party groups, in the election of the Bundestag President, and when the House acts as part of an electoral college in the selection of the Federal President and of half the members of the Constitutional Court. They take part in debate, may introduce bills, and otherwise participate fully and influentially in all the activities of the body.

The five-percent clause has been notably successful in reducing the number of party groups in the Bundestag. In the average Reichstag of the Weimar Republic, seven out of thirteen parties represented had obtained less than five percent of the popular vote, and it is generally believed that their presence contributed to the paralysis of that institution. In the first Bundestag, elected under a law which for the first time contained a minimum clause (less stringent than the present one), there were still six such parties out of a total of ten, holding 62 seats among themselves. But with the introduction of the present five-percent clause in 1953, only two out of six parties represented in the second Bundestag, holding 17 seats, and in the third Bundestag, only one out of four parties, holding 17 seats, had obtained less than five percent of the popular vote; and these parties qualified for representation only because they had won several single-member constituencies as the result of alliances with another party upon which they became totally dependent. In 1960, the parliamentary group of the last of the splinter parties split and disappeared, leaving only three parties in the Bundestag, the two largest holding 90 percent of the seats.[6]

The effort to personalize proportional representation has had the effect of giving control over the nominating process, and so ultimately over the selection of the membership of the Bundestag, to local and state party organizations, and substantially denying it to the party's national leadership. In an attempt to "democratize" the parties internally by imitating the American primary and convention system, the electoral law places the nomination of candidates in the hands of assemblies of party members elected for that purpose in each *Land*, for the list candidates, and in each constituency, for the constituency candidates.[7]

In the single-member constituencies, local considerations have increasingly dominated the selection process. While in the first Bundestag, one-third of the members elected in constituencies resided outside of their districts, in the third Bundestag only one-fifth did so, some of whom were ministers or high party officials whose residences were in Bonn, although many had previously resided in the districts electing them.[8] In addition to this growing residence "requirement," qualifications for nomination in the single-member constituencies include prominence in local politics, and, in the case of sitting members, attention to constituency business. In the 1957 election about ten percent of sitting members were denied renomination, frequently because of local dissatisfactions.[9]

Although constituency nominations are generally subject to an understanding between the local and the *Land* or federal organizations of the party, in law as well as in fact the local organization has the last word. The influence of the central party organization is greatest when the local party has no candidate or is unable to agree on one, or when the central organization recommends the nomination of a leading party personality; it tends to be greater in the centralized SPD than in the CDU, but in a vigorous contest with the local organization, it is hardly ever successful.

Nomination in a single-member constituency, so heavily under local influence, has an importance even beyond the 242 Bundestag seats which are filled in this way, because of the growing tendency of the two big parties to re-insure constituency candidates by also giving them a second nomination high on the party's *Land* list. As a result, in the third Bundestag, 151 of the 169 SPD members had contested a single-member constituency, while among the 270 CDU members, 216 had done so.

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[6] *Die Welt* (July 2, 1960), p. 1.

[7] Karl-Heinz Seifert, *Das Bundeswahlgesetz* (Berlin u. Frankfurt, 1957), pp. 126–132, 161–2.

[8] Klemens Kremer, *Der Abgeordnete* (Munich, 1953), p. 24; U. W. Kitzinger, *German Electoral Politics, A Study of the 1957 Campaign* (Oxford, 1960), p. 64.

[9] Kitzinger, *op. cit.*, pp. 62–64.

Personal prestige is attached to winning a constituency, and those who are elected both in a constituency and from a list choose to represent the former, while those failing in a constituency but winning a place through the lists tend to "adopt" the constituency which they have contested, undertaking there the responsibility for local party work and fence mending. Yet success has been rare for those who have sought to develop an independent personal reputation among the voters. Election returns substantiate the ability of some very few prominent members of the Bundestag to develop a personal popularity in their constituencies independent of their parties. For example, Dr. Carlo Schmid obtained 6,082 more votes in his Mannheim district (No. 176) in 1957 than his party did, thereby winning his seat while his party received fewer votes than the CDU in the constituency. Dr. August Dresbach, a locally popular CDU maverick, received 56 percent of the vote cast while his party won only 50.1 percent in his Ruhr district (No. 71). Generally, however, statistics show that the voter is guided by party designation rather than by consideration of the personality of the constituency candidate. The 1953 election returns revealed that only two to three percent of the voters split their ballots because of a preference for the district candidate of a party different from the party whose list they supported. An opinion poll in 1953 disclosed that even among voters who had made their choice of party only 36 percent knew the name of its local candidate, and only two to four percent of all voters cited the personality of the district candidate as a motivation for their vote.[10] The 1957 election returns indicated, if anything, a decline in the tendency of voters to "split" their ballots for any reason.[11]

Although the voter thus does not appear to be much influenced by the personality of the local candidate, and, as will be shown, the deputy has little opportunity to serve his constituency by his public actions in the Bundestag, the method of selection contributes to the heterogeneity and, in that sense, to the representative character of the parliament. Because candidates on the party lists are selected with an eye to having a balanced list according to complex considerations of geography, denomination, social class, interest group, age, profession, and sex, there is great variety also among the members chosen in this way.

The nomination on the lists is susceptible to the influence of the central organizations of the parties and permits the introduction of national criteria in the choice of candidates. The deliberate planning of parliamentary groups by each party on the national level is widely regarded in Germany as a necessity in view of the complexity of modern parliamentary work, and the consequent requirements of expertise in its performance. Each party feels the need to assure itself of a group in the Bundestag, which is not only "representative" but offers it specialization in the various subjects of legislation and includes men capable of undertaking ministerial responsibilities.[12] But the parties vary in their ability to accomplish this objective. A small party like the Free Democrats, because it experiences relatively severe fluctuations in electoral fortunes, is unable to plan its group in the Bundestag and regards this inability as a great weakness. Among the large parties, the centralized SPD is more successful than the CDU in exercising federal control over nominations. At the 1960 CDU party conference, Adenauer renewed a proposal to reform the electoral law so that about fifty seats in the Bundestag could be filled from among candidates on a federal list which could be centrally planned.[13]

Because the nomination of deputies is under the influence of such a great variety of factors, it is not surprising that the occupational background of deputies covers a wide range. In the second and third Bundestage, about twenty percent of the deputies were businessmen, another twenty percent came from the professions, including a growing proportion of lawyers, ten percent from agriculture, and five percent from journalism. Nearly twenty percent of the deputies were employed by trade unions, political parties, and various interest groups, and another twenty percent were government officials. Incidental to their occupations, 33 percent of the members of the second Bundestag and 38 percent of the third belonged to trade unions, three-fourths of these being in the SPD. Although the religious affiliation of deputies is sometimes difficult to determine, there is a fairly even balance between Catholics and Protestants since the CDU makes a special effort to have about one-third Protestant deputies in its own ranks, and there are very few Catholic deputies in any other party. Women numbered just under ten percent of the membership of the two Bundestage.[14]

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[10] Wolfgang Hirsch-Weber/Klaus Schütz, *Wähler und Gewählte* (Berlin, 1957), pp. 299, 335–7, 340–5.

[11] Statistisches Bundesamt, *Statistik der Bundesrepublik Deutschland,* Band 200, Heft 2, pp. 33, 38–41.

[12] Hans Peters, "Zur Kandidatenaufstellung für Freie demokratische Wahlen," in Theodor Maunz, ed., *Vom Bonner Grundgesetz zur gesamtdeutschen Verfassung, Festschrift zum 75. Geburtstag von Hans Nawiasky* (Munich, 1956), p. 349.

[13] *Die Welt* (April 28, 1960), p. 4.

Although there is almost no continuity between the membership of the Weimar Reichstag and the Bundestag, there has been a considerable degree of continuity among the three Bundestage. In the second Bundestag there remained only 16 members who had sat in the Reichstag, but it included 260 of the 420 members of the first Bundestag, and the third Bundestag contains 351 of the 519 members of the second.[15] Of the factors accounting for the turnover, which represents 32 percent of the second Bundestag, several are non-recurring, such as the elimination of the BHE and the defeat of many deputies from the minor parties, particularly those who had changed their affiliation among these parties during the parliamentary term. There was evidence also that in the CDU those deputies elected against most expectations in the surprising victory of 1953 were subject to a more careful screening at the renomination than they had received in the first instance. Only about one quarter of the turnover is accounted for by voluntary retirement.[16]

A substantial and possibly growing stability in the composition of the Bundestag indicates that its membership is composed not of sometime political amateurs, but of professional politicians making a career of their positions. Forty percent are either government officials or officers of political parties or pressure groups, and the remainder have occupational skills which are regarded as applicable to parliamentary work, many of them holding several elective offices. This professionalism in its composition characterizes the work of the Bundestag, especially in its committees. The reduction in the number of parties represented in it strongly affects its functioning in the system of government. And the introduction of personal representation of single-member constituencies gives it a claim to being an assembly representative of the nation in its variety.

II. THE DEPUTY AS AN INDIVIDUAL

The classic liberal conception of the deputy as "representative of the whole people," "not bound by orders and instructions," and "subject only to (his) conscience," expressed in successive German constitutions for a century, is repeated in the Basic Law (Article 38). The deputy, thus regarded as an autonomous individual rather than as the agent of a political party or interest group, correspondingly enjoys certain rights and privileges, and must personally meet certain qualifications and obligations.

To be eligible to be a Bundestag deputy, a person must be 25 years of age and a German citizen for at least a year. Persons who have lost their civil rights by sentence of a court, or who are disqualified from voting because of mental disability, are disqualified.[17] Certain offices are incompatible with membership in the Bundestag, in order to preserve the independence of the respective government institutions. The Federal President, members of the Bundesrat, judges of the Federal Constitutional Court, and officials of the Federal Audit Office may not serve in the Bundestag. In addition, membership in the ministry of a *Land* is not in practice regarded as compatible with Bundestag membership. Civil servants, judges, and members of the armed forces except draftees, however, are merely placed in temporary retirement upon accepting a Bundestag seat, a gesture toward the establishment of political neutrality in the administration, the judiciary, and the military.

The constitution provides that "deputies are entitled to appropriate compensation adequate to insure their independence" (Art. 48, para. 3) which has been interpreted both as a rejection of the idea of a parliament of notables and a recognition of the demanding nature of modern parliamentary work which allows deputies little time to pursue their own professions.[18] The parliamentary salary is therefore regarded not as a supplement paid for an avocation, but as compensation in itself adequate to provide a livelihood to deputies who may have no other source of income; it may not be refused. After several changes, the figure was set in 1958 at DM 1100 ($262.) per month, tax exempt; and in order to eliminate what it regards as the periodic embarrassment of revising its own salary, the Bundestag tied it to the salary of Cabinet Ministers, setting it at 22.5 percent of that of Ministers. To this is added a monthly tax free sum of DM 600 ($143.) for office expenses, DM 500 ($119.) for other expenses, an allowance for air and automobile travel and free use of the federal railways and busses.[19] However, the idea of a pension for deputies has so far remained highly controversial because of a general concern that the financial provision for deputies shall not contribute toward the professionalization of politics, but shall rather encourage members to maintain their private occupations, even if they cannot actively engage in them while they hold office.

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[14] For the second Bundestag, see Fritz Sänger, ed., *Handbuch des Deutschen Bundestages*, 3d ed. (Stuttgart, 1954); cf. *Kürschners Volkshandbuch; Deutscher Bundestag, 2. Wahlperiode, 1953/57* (Darmstadt, 1954), pp. 60–61. For the third Bundestag, see *Bundesanzeiger*, No. 210 (October 31, 1957), p. 3, and *Die Gegenwart*, Vol. 12, No. 22 (November 2, 1957), pp. 688–690. A study of the occupational background of the members of the first Bundestag produced similar results. See Otto Kirchheimer, "The Composition of the German Bundestag, 1950," *Western Political Quarterly*, Vol. III (December, 1950), pp. 590–601. On trade unionists in the Bundestag, see Kurt Hirsche, "Gewerkschafter im Bundestag," *Gewerkschaftliche Monatshefte*, Vol. 8 (December, 1957), pp. 705–710.

[15] *Kürschners Volkshandbuch*, *op. cit.*, p. 51; *Bundesanzeiger*, *op. cit.*, p. 3.

[16] Kitzinger, *op. cit.*, pp. 75–79.

[17] Law of May 7, 1956, para. 16.

For this reason also, efforts have recently been made to arrange the parliamentary calendar in such a way as to concentrate the work of each month into a two- or at most three-weeks period, allowing deputies free time at regular intervals to spend in their constituencies, in addition to the time available during the Christmas, Easter, and a three-months summer recess. During its term of office—which is constitutionally set at four years except in case of dissolution—the first Bundestag met in 282 sessions, the second in 227. The third Bundestag has aimed to reduce this comparatively low figure still further; in its first two years it held only 80 sessions, or about half as many as during the comparable period in the second Bundestag. The limited number of sessions, however, is not purely an effort to allow deputies free time; it is also a reflection of the Bundestag's pattern of work, as is revealed by the fact that the deputy spends by far the greatest amount of his time in committee and party group meetings. The average work week consists of party group meetings Monday and Tuesday, committee meetings Wednesday, Thursday and Friday, and, sometimes simultaneously, plenary meetings of the House in the afternoons and evenings of the latter half of the week. However, the plenary sessions take place only during the first two weeks of each month, and the party group and committee meetings only during the first three, leaving the last week of each month wholly free of sessions. The Rules of Order (para. 16) establish the obligation of members to participate in the work of the Bundestag and provide for a deduction from the deputy's salary for absences from sessions and roll-call votes. Under the scale of compensation established in 1958, the penalty is set at DM 50 per session for absence not previously excused by the President, DM 30 for excused absences, and DM 25 for failure to participate in roll-call votes; and there are no longer any *per diem* allowances for attendance, which were believed to be responsible for the proliferation of meetings.

The constitution grants deputies the traditional parliamentary privileges designed to allow them the fullest freedom in the exercise of their mandates. For their actions or utterances in the Bundestag, members cannot be called to account outside the House, although, remembering the abuse of this privilege by radical parties during the Weimar Republic, the Bundestag itself may allow an exception to this privilege in case of defamatory insults. Furthermore, while he holds his seat, no deputy may be arrested for a criminal offense except with the permission of the Bundestag, or unless he is apprehended in the act or on the following day (Article 46). Since these privileges are not personal, but intended to safeguard the independence of the Bundestag, the Bundestag itself to a considerable extent determines their application. Immunity cases are handled by its Committee on Rules of Order and Immunity, which acts on the basis of general principles according to which immunity will be waived in all severe criminal indictments, and in all trivial cases such as traffic violations, but not in any proceedings having a political character or implication which calls the prestige or authority of the House into question.[20]

As in the case of the rules of procedure of any parliamentary body, the standing orders of the Bundestag protect the minority, although a large category of minority rights cannot be exercised by the individual deputy alone but belong to groups of from five members to one-third of the body. By himself, a deputy cannot, among other things, obtain membership on a committee, or propose bills, move interpellations, or pose questions of confidence. He may, however, move amendments during the second reading of bills and resolutions and move the tabling of motions (Rules of Order, para. 29, 81). More important, he is able to put questions orally to members of the Government during question period.

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[18] See the remarks of the President of the Bundestag in introducing the latest reform of parliamentary salaries, Deutscher Bundestag, 3. Wahlperiode, 23. Sitzung, April 18, 1958; reprinted in *Das Parlament*, Vol. 8, No. 16 (April 23, 1958), pp. 3–4.

[19] Law of May 27, 1958, *BGBl.* I, p. 379.

[20] *Geschäftsordnung des deutschen Bundestages,* Beschlossen am 6. Dezember, 1951, para. 114. See the annotation to this paragraph as well as Appendix 4 in the *Text und Kommentar* von Heinrich G. Ritzel und Helmut Koch (Frankfurt, 1952), pp. 190–7; xvi-xxxvii. The *Geschäftsordnung* is hereinafter cited in the text as "Rules of Order."

When the question hour was introduced in the Bundestag, for which there was no precedent in German parliaments, the hope was expressed that it would offer the deputy the possibility of informing himself rapidly, would dispose efficiently of numerous matters of a constituency or regional nature, and would "enliven the relations between legislature and executive."[21] The first two aims have been increasingly realized as deputies gradually became accustomed to the unfamiliar procedure. More important, deputies have been able to expose ministerial weaknesses and administrative shortcomings by means of spontaneous supplementary questions, whose effectiveness was increased last year when, in imitation of the procedure of the House of Commons, the right to pose follow-up questions was extended to all deputies in addition to the original questioner.[22] Nevertheless, the question period has failed to attain the general importance of its British counterpart. Despite a recent increase in frequency, it is held only four times each month on the average, and the length of questions and answers makes it possible to dispose of only 15 to 25 questions each time, leaving the rest to be answered in writing. More than twice as many are answered orally every day at Westminster, four days a week. The party practice forbidding members to introduce on their own authority questions on which party policy exists has denied the individual deputy the possibility that this procedure might afford him a unique opportunity to distinguish himself. Finally, the fact that secretaries of state who are civil servants may answer for their ministers, and the turgid style of most of the questions and answers themselves diminishes the chance to "enliven" the relationship between Government and Bundestag.[23]

Debates in the Bundestag are thoroughly organized in advance. Time is allocated among the parties in proportion to their strengths and they in turn distribute it among their members in accordance with their own parliamentary strategy.[24] In recognizing speakers, the President is instructed to have regard for the "suitable disposition of and appropriate organization of the deliberation, the various partisan positions, and the strengths of the parties" (Rules of Order, para. 33) and he is bound by the division of time among the parties who in turn control their own speakers. Most important speeches represent the agreed position of the party group which has heard and approved them. The maverick deputy, who receives special consideration from the Speaker of the House of Commons, for example, has little chance of being heard in the Bundestag, for he must either convince his party to give him a share of its time, or, independent of party, must claim from the President the five minute minimum time in debate which the rules provide (para. 39). This is a part of the reason why two-fifths of the members of the second Bundestag never participated in debate.[25]

In effect, both electoral considerations and the rules of procedure make the position of the deputy without party affiliation almost untenable. Since the first Bundestag election in which two independent deputies were elected who had no support from or affiliation with any political party, no independents have successfully contested any Bundestag seats. However, subsequent to elections, a certain amount of independence with respect to party affiliation exists. Normally, deputies, once elected, join the parliamentary group of their party in the Bundestag and remain with it as long as they hold their seats. This gives the groups, particularly of the largest parties, a high degree of stability. Even in cases of deaths or resignations, the strength of the group is maintained since the electoral law provides for an automatic replacement by the candidate next on the party list in the respective *Land*. By-elections which might alter party strengths are generally regarded as upsetting, and are provided only in the rare instances of vacancies occurring in single-member districts where the party of the outgoing deputy has no *Land* list or has been outlawed by the Constitutional Court.[26]

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[21] Dr. Mende, rapporteur, Deutscher Bundestag, I. Wahlperiode, 179. Sitzung, December 6, 1951, Appendix 1, p. 7449 D, quoted in Ritzel-Koch, *Geschäftsordnung*, *op. cit.*, p. 186.

[22] *Stuttgarter Zeitung*, September 29, 1960, p. 2.

[23] See the exchange between the deputy Rademacher and Minister of Justice Schäffer on the possibility of formulating answers to questions in a more concise and objective manner. Deutscher Bundestag, 3. Wahlperiode, 37. Sitzung, June 26, 1958, reprinted in *Das Parlament*, Vol. 8, No. 27 (July 9, 1958), p. 3.

[24] Ritzel-Koch, *Geschäftsordnung*, *op. cit.*, p. 70.

[25] *Die Gegenwart*, Vol. 12, No. 16 (August 10, 1957), pp. 486–7.

Nevertheless, a certain number of members, occasionally including leading personalities, particularly among the small parties, shift their group affiliation during a parliamentary session. In the first Bundestag, with the party system not yet fully formed, the number of groups was quite large and the formation and dissolution of groups was not uncommon. Under these circumstances, 52 members were involved in 96 changes of party groups and at one time or another 31 members, including an ex-Communist deputy who had been arrested in the Soviet zone, were listed as independent of any group.[27] In the second Bundestag, splits in two of the smaller parties, the Free Democrats and the All-German Bloc, explain more than half of a total of 85 changes in which 45 deputies were involved.[28] These demonstrations of a certain independence are, however, peripheral manifestations of decreasing quantitative importance, even if they continue to afford an occasional member the chance to demonstrate his individuality. In law, the mandate, under Article 38, is personal, and does not belong to the party. No legal ties bind a deputy to a party group. In fact, only through a party can a deputy secure a Bundestag seat and exercise his mandate effectively. It is therefore not surprising that deputies who choose to change party affiliations after their election are widely called upon to resign their seats and are often regarded as having betrayed their mandate; usually they fail to be re-elected. In reality, Article 38, while preventing the legal monopolization of parliamentary activity by the parties, cannot disguise with Burkean idealism the reality of party power, and the personalization of proportional representation does not prevent the coalescence of the deputies in the Bundestag into strict party blocs.

III. THE DEPUTY AND HIS PARTY

The parties in the Bundestag are not only informal organizations of the greatest significance; they are also formally recognized in the Rules of Order which impose requirements on them and accord them privileges. A *Fraktion*, or party group, must be an "association of Members of the Bundestag belonging to the same political party" (para. 10, sec. 1). It cannot therefore be an association of convenience or of the moment. It must have a minimum of 15 members, a figure subject to the fresh determination of each Bundestag and one which deprived the Communists of *Fraktion* status when it was first adopted in 1952. The Bundestag provides *Fraktionen* with meeting rooms and offices in the Bundeshaus, and each is granted a monthly maintenance allowance out of public funds of DM 1000 ($238.) plus DM 50 ($12.) per member. At the direction of each *Fraktion*, the disbursing office of the Bundestag transfers a proportion of the parliamentary salary of each deputy directly to the *Fraktion* to which he belongs.[29] Under the Rules of Order, committees of the Bundestag are appointed by the *Fraktionen* (para. 68, sec. 2), each *Fraktion* having representation on each committee and a number of committee chairmanships in direct proportion to its size (para. 12). The agenda of the Bundestag is prepared by agreement among the *Fraktionen* in the Council of Elders in which they are all represented (para. 14), and the division of speaking time must reflect the strengths of the *Fraktionen* (para. 33, sec. 1). The presentation of bills and written questions to the Government requires the support of a number of deputies equivalent to the minimum size for a *Fraktion* (para. 97, sec. 1; 110). In these respects the Bundestag recognizes the *Fraktion* rather than the individual deputy as the unit of its membership, and formally contributes to the dependence of the deputy on the party.

Each *Fraktion* has its own organization, which is quite complex in the case of the two large parties. The party group, a parliament in itself in the case of the 287-member CDU *Fraktion*, in each case has a chairman, several vice chairmen, an executive committee, and one or more parliamentary floor leaders. In addition, the *Fraktionen* have "working groups" which parallel some of the committees of the Bundestag, composed of the party members on these committees. In the CDU and SPD their chairmen are elected by the *Fraktion* and are included in its executive committee.

This leadership in each parliamentary group overlaps to a considerable extent the leadership of the party outside the Bundestag. In the case of the CDU, the parliamentary group antedated the national party organization. In the case of the venerable organization of the SPD, its national leaders from the start held Bundestag seats and led the parliamentary party as well. In the first Bundestag, 77 out of the 185 most important figures in the CDU were Bundestag deputies and constituted two-thirds of the *Fraktion;* 45 out of 169 SPD leaders sat in the Bundestag, constituting nearly one-third of the *Fraktion;* in the FDP, 38 out of 79 national party leaders made up 72 percent of its Bundestag *Fraktion.*[30] These figures are impressive particularly since the Bundestag is by no means the only parliamentary body in the German federal system of government. In the second and third Bundestage, the correspondence between parliamentary and national party leadership has increased still further, and at the highest levels of leadership a completely interlocking directorate exists.

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[26] Law of May 7, 1956, para. 48 and 49.

[27] Emil Obermann, *Alter und Konstanz von Fraktionen* (Meisenheim am Glan, 1956), pp. 46, 83–86.

[28] *Bundesanzeiger*, No. 204 (October 23, 1957), p. 4.

[29] Kremer, *op. cit.*, p. 29.

The parliamentary leaders of the parties, therefore, are not mere agents of other more powerful figures on the outside; they lead their *Fraktionen* with the full authority they command throughout the party organization. Since they are their parties' national leaders, their election by the *Fraktion* is often a foregone conclusion. At the opening of the third Bundestag in 1957, the CDU *Fraktion* re-elected its leader with 203 out of 210 votes, the SPD re-elected its leader with 134 out of 152 votes in spite of the criticism he had attracted for the party's election defeat, and the FDP elected as leader its former deputy leader with 34 out of 39 votes.[31] Real competitions for leadership are not usually resolved by elections in the parliamentary group but by an informal process in which all sections of the party participate.

The position of the leadership within each parliamentary group is formidable. In the CDU the chairman, in the other parties the executive committee, calls meetings of the *Fraktion,* usually weekly, prepares their agenda, and chairs the deliberations. The executive committees furthermore propose positions on policy and assignments to Bundestag committees, for the approval of the *Fraktion.* Decisions are made by majority vote, frequently after discussions which are the more thorough and sometimes acrimonious because of their relative privacy. The *Fraktionen* determine not only the general positions they will take in the Bundestag, but consider the Bundestag agenda point by point, under the guidance of the relevant working groups on each issue, taking positions on every question, and determining the arguments and the speakers to be used to express that position. The decisions taken in the party meeting effectively bind the actions of the deputies in the Bundestag.

The wording relative to party discipline varies in the Standing Orders of the various *Fraktionen.* The CDU, anxious to distinguish itself from what it regards as coerced discipline in the Marxist parties, implies the right of free vote in stating that

> Since the *Fraktion* and its chairman must be informed about the position of the *Fraktion* in the plenary sessions of the Bundestag, deputies who have misgivings about accepting the decision of the majority are in every case obliged to express their differing viewpoint promptly to the *Fraktion* and its chairman. . . .[32]

However, the freedom of CDU deputies is considerably circumscribed by the Standing Orders which provide that

> Bills and resolutions, interpellations and parliamentary questions which members of the *Fraktion* wish to introduce must undergo the following procedure: (a) submission of the respective proposal to the *Fraktion* secretariat; (b) referral to the competent working group; (c) following examination by the working group, presentation to and discussion in the executive committee; (d) in case of rejection by the executive committee, presentation to the *Fraktion* if requested by the mover. . . .[33]

Without making any reference to voting discipline, the Standing Orders of the SPD govern the actions of its deputies even more extensively than those of the CDU:

> (2) The *Fraktion* appoints the speakers who will support the position of the party in the Bundestag.
>
> (3) A member of the *Fraktion* who wishes to participate in the Bundestag debate, must give notice to the party foreman of the relevant committee and the parliamentary floor leader.
>
> . . . .
>
> (5) Questions for the question period are introduced by way of the parliamentary floor leader. Written questions addressed to the Government, and interpellations, resolutions and bills for introduction in the Bundestag must first be presented to the Executive Committee (of the *Fraktion*). The mover has the right to defend his motion at the meeting of the executive committee. If the executive committee rejects the proposal, the *Fraktion* must be informed at the request of the mover.[34]

The FDP also requires the approval of the executive committee for any motions made by a member in the Bundestag, and provides that "public declarations in the name of the *Fraktion* are made by the chairman or the appointed member of the executive committee or the *Fraktion.*"[35]

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[30] Rudolf Wildenmann, *Partei und Fraktion* (Meisenheim am Glan, 1955), pp. 154 *ff.* Corrected for statistical errors.

[31] See *Die Welt,* November 6, 1957; *Frankfurter Allgemeine Zeitung,* October 31, 1957; and *Die Welt,* November 13, 1957, respectively.

[32] *Arbeitsordnung der CDU/CSU Bundestagsfraktion, 2. Bundestag* (mimeographed, n.d.), para. 10, sec. 2.

[33] *Ibid.,* para. 13, sec. 1.

[34] *Geschäftsordnung der Fraktion der SPD im Bundestag* (n.d.)

The voting behavior of Bundestag deputies confirms the effectiveness of party discipline. Although there are interesting variations between parties, among the four parties represented continuously throughout the life of the first and second Bundestage, none exhibited less than ninety percent voting cohesion (see Table I below). The two largest parties were also the most disciplined. In the SPD discipline was nearly perfect, deviation from the vote of the majority of the *Fraktion* occurring, with minor exceptions, only as scattered abstentions. The members of the CDU showed nearly perfect voting unity in over half the votes. Nevertheless, in a significant six percent of the votes, more than one quarter of the *Fraktion* deviated from the remainder. As Kirchheimer has pointed out,[36] this tended to occur on questions of social policy on which members of the CDU left wing joined the SPD, occasionally creating a new majority. Among the ten instances of such a CDU division during the first Bundestag, the chief issues were the creation of a federal unemployment insurance office, the question of the death penalty, the equalization of tax burdens among the *Laender,* and aspects of the labor-management law, the Federal Labor Court, and the civil service; only one foreign policy issue was involved. In the second Bundestag, this division occurred eight times, the issues being the commercial activity of consumers' cooperatives, the taxation of municipally owned utilities, social insurance, business holidays, and the organization of the Federal Social Court.[37]

TABLE I. PARTY UNITY IN THE BUNDESTAG: PERCENT OF THOSE VOTING IN ROLL CALLS WHO VOTED WITH THE MAJORITY (OR PLURALITY) OF THEIR *FRAKTION**

Party	*1st Bundestag* (130 roll calls)	*2d Bundestag* (155 roll calls)	*Total of roll calls* (1st and 2d Bundestage)
SPD	99.9	99.7	99.8
CDU/CSU	93.6	95.0	94.5
FDP	91.3	89.5	90.5
DP	89.8	90.2	89.9

* The results of roll call votes are given in an appendix to the official *Stenographischer Bericht* of the session in which they took place. The deputies are listed by their *Fraktionen,* indicating which of the three alternative votes each cast: "yes," "no," or "abstain." The results of the roll calls by party in the first Bundestag are available in Heinz Markmann, *Das Abstimmungsverhalten der Parteifraktionen in deutschen Parlamenten* (Meisenheim am Glan, 1955), pp. 142–145. The roll call votes in the second Bundestag are available in *So haben sie abgestimmt!, Register und Tabellen der namentlichen Abstimmungen im Bundestag* (2. *Wahlperiode*) *1953–1957,* Herausgegeben vom Vorstand der SPD, Bonn, 7/57.

These statistics are based on an examination of only that portion of all votes taken in the Bundestag which are subject to precise analysis, namely those taken by roll call. The demand for a roll call is the right of a minority of fifty under the Rules of Order (para. 57) and is used to assign public responsibility for a decision. It is liable to be demanded for the most important issues. Roll call votes therefore undoubtedly exhibit a higher than average voting discipline. A greater degree of voting freedom may exist in the Bundestag, beyond the roll call.

Furthermore, a study of party divisions in the Bundestag cloaks the fact that a large number of decisions are made by the consensus of at least the two major parties. An analysis of the role of the SPD as an Opposition in the first Bundestag shows that fully 84.3 percent of all laws passed had its approval and that it voted against only 13.7 percent. The laws it opposed naturally tended to be those of then greatest political importance, including appropriations and foreign policy. But in the field of domestic policy, in the immediate postwar period, a remarkable degree of bipartisanship existed.[38]

In measuring party discipline, the standard used is concurrence with the position taken by the largest number of deputies in a *Fraktion,* not the position imposed by a leader. The determination of the party's position may therefore leave the deputy an area of freedom to express his individual views and to persuade his colleagues, giving him a part in the development of the position he is then expected to support. But this role is exercised in the privacy of the party meeting, not on the floor of the House and varies greatly among parties and issues and individuals.

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[35] *Geschäftsordnung der Bundestagsfraktion der FDP, in der Fassung vom 13. November 1957* (mimeographed), para. 12.

[36] "West German Trade Unions: Their Domestic and Foreign Policies," in Hans Speier and W. Phillips Davison, *West German Leadership and Foreign Policy* (Evanston, 1957), p. 159.

[37] Roll call votes nos. 2, 26, 66, 68, 105, 106, 108, and 152 in the second Bundestag.

[38] *Die Gegenwart,* Vol. 12, No. 21 (October 19, 1957), pp. 657–9.

The fact remains that when the most controversial issues are decided on the floor of the Bundestag, the deputies vote in party blocs. The discipline is so extensive that it allows little opportunity for a deputy to develop an individual voting record, nor does it permit the impression that the outcome is the result of individual wills. It is a level of discipline comparable to that which existed in the Reichstag of the Weimar Republic and denotes a degree of party organization and control in Parliament traditional in Germany.[39]

The discipline which the parties exercise over their deputies in the Bundestag extends in theory to the committees of the House. The Standing Orders of the CDU declare that "the Members of a committee are requested to remember that they belong to the committee not only as individuals but that they are regarded in the Bundestag and in public as representatives of their entire *Fraktion.* If, in the opinion of some committee members, this basic principle should be disregarded in decisive questions, then the executive committee of the *Fraktion* must be informed without delay" (para. 9, sec. 2). The parties appoint a foreman to lead their deputies in each committee who, according to the SPD rules, "is responsible to the *Fraktion* and its executive committee for the work in the (Bundestag) committee" (para. 22). To this end, the foreman is obliged to call a meeting of his party group in advance of committee sessions to discuss the agenda (para. 23) and to maintain contact with the work of other committees and with the leaders of the *Fraktion* (para. 24, 25); the CDU has similar arrangements (para. 9, sec. 1). Each committee member is responsible for providing a replacement in case of his inability to attend a session (SPD Rules, para. 7; CDU Rules, para. 11, sec. 2). The FDP, with a much smaller parliamentary group, does not organize its participation in committees in such formal detail, but in practice it has comparable arrangements.[40]

However, in his committee work, the deputy is not susceptible to the influence of party discipline as completely as in his voting behavior. The Bundestag, following the example of most modern parliaments, has a highly developed system of specialized committees which play an important role in the legislative process. The committees receive bills and resolutions after a usually formal first reading in the House at which no vote is taken. They therefore consider bills in advance of any decision made by the whole House, and prior to any public commitments by the parties (Rules of Order, para. 79). They work in relative privacy, attendance being limited to Bundestag members, members of the Government and the Bundesrat, or their representatives, and such witnesses as may be invited to testify. The written summary of their deliberations is available on a restricted basis to participants in the committee's work; the press receives briefings which the committees control. Although the rules of the House provide for public committee hearings in the American manner, this procedure has almost never been used (para. 73).[41]

As an expression of the importance of committee work, committees may and do meet while the House is in session. In comparison with 227 sessions held by the whole House during the second Bundestag, its committees held 4169 meetings, an average of over 100 for each committee, and the average deputy sat on two committees. The more burdened committees met more frequently than the whole House.[42]

Although each *Fraktion* names its proportionate share of the committee membership (Rules of Order, para. 68), the need for expertise in committee work and the need, so far as possible, to represent all sections of each party on every committee and representatives of special interests on the relevant committees, seriously restrict the parties' choice.[43] In many cases the experts are at the same time the representatives of the special interests and they virtually appoint themselves. Furthermore, even after the reorganization of the committees at the start of the third Bundestag and the reduction in their number from 38 to 26, there still remained 688 committee places for 519 deputies, some of whom, including members of the Government, for example, had no time for committee work at all. With the burden of work on many individual deputies very great, the parties often have difficulty finding volunteers to fill their allotted places. The committee chairmen are also appointed by the *Fraktionen*, each *Fraktion* naming a proportion of the chairmen equivalent to the proportion of the seats of the House which it holds (Rules of Order, para. 12). The determination of the specific chairmanships assigned to each party is a matter of bargaining among them, and the bargains once made establish precedents by which parties regard the chairmanship of certain committees as their preserve, to be filled by men of their choice who in turn stake a personal claim to the chairmanship. These elaborate customs were tested and sustained even against Adenauer's opposition during the dispute at the time of the organization of the third Bundestag over the reappointment of the controversial SPD leader Herbert Wehner to the chairmanship of the Committee for All-German and Berlin Questions.[44] That committee chairmanships may be in the hands of the Opposition presents the Government with some difficulties but it is made tolerable by the fact that the chairman does not possess the autocratic powers of his American counterpart. If a chairmanship goes to a member of an opposition party, the deputy chairmanship is generally given to a member of a governing party and *vice versa*. Furthermore, members of the Government or their delegates participate in committee meetings and committees may not pigeonhole bills referred to them (Rules of Order, para. 33 (3), 47, 60 (2), 69 (2).)

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[39] See Heinz Markmann, *Das Abstimmungsverhalten der Parteifraktionen* (Meisenheim am Glan, 1955), Part 1, which presents in detail the roll call votes by parties in the Reichstag but contains errors in the statistical analysis.

[40] Bruno Dechamps, *Macht und Arbeit der Ausschüsse* (Meisenheim am Glan, 1954), pp. 148–154.

[41] *Ibid.*, pp 73–74, 156–161. By decision of the Bundestag, the meetings of the committees on Foreign Affairs, Defense, and All-German and Berlin Questions, are open only to their members.

[42] Statistics from *Bundesanzeiger*, October 23, 1957, p. 4; *Bulletin des Presse und Informationsamt der Bundesregierung*, No. 198 (October 23, 1957), p. 1814.

[43] Dechamps, *op. cit.*, p. 146.

Committee assignments are formally made for the duration of the legislative term, but the informal customs so circumscribe the choices that there is considerable continuity in committee composition from term to term, changes occurring chiefly because of fluctuations in the parties' strengths. For example, half of the committees of the first Bundestag retained their chairmen in the second. Among 26 committee chairmen appointed at the beginning of the third Bundestag, 15 had presided over the same or equivalent committees at the close of the second. The chairmen of eight other committees belonged to the same political party as their predecessors. Of the eleven changes of committee chairmen, four occurred because the previous chairmen did not return to the Bundestag after the election, two because the chairmen had been elevated to the Government, and three because of the defeat of the smaller parties in the election and the proportionate reduction in their chairmanships. Only the two remaining changes were, apparently, simply personnel changes and neither of these represented a change in the party of the chairman. The stability thus revealed in the committee chairmanships is similarly true of the committee memberships.[45]

"Our committee system," an acute observer has written, "is generally dominated by the spirit of specialization and expertise."[46] To the extent that this is true, party loyalty is not the only motivation of the deputy in the committee. In committee work the deputy is not as fully bound by the discipline of his party group as he is on the floor of the House. He enjoys some autonomy. He is open to the influence of special interests, can bring his technical knowledge to bear, and is in a good position to influence the viewpoint of his party, as well as to be guided by it, and even to persuade his counterparts on the committee from other parties. Since the legislative work of the Bundestag is effectively done in its committees, the role of the deputy in committees significantly modifies the view of him as a mere part of a party voting machine. It is here that the professional composition of the Bundestag most directly affects its work.

IV. GOVERNMENT AND PARLIAMENT

In analyzing the German parliamentary system, the role of the Bundestag in its relationship with the Government is of crucial importance. The constitutional arrangement of this relationship was heavily influenced by an almost certainly incorrect interpretation of the Weimar experience. Although only two out of twenty Weimar cabinets were overthrown by the Reichstag, cabinet instability under the Weimar constitution was taken as an argument for restricting the power of the popularly elected house to dismiss the Government of the day.[47] That power, traditional in the parliamentary systems of western Europe, had been new in Germany under the Weimar constitution and in abandoning it, the framers of the Basic Law returned part way to the constitutional arrangements of the second Empire, under which the Government existed independently of Parliament and was not responsible to it. The Weimar experience of "presidential government" was interpreted, on the other hand, in favor of Parliament. It was taken as an argument against presidentially appointed cabinets and in favor of compelling the parties in Parliament to accept the responsibility for constructing Governments.

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[44] *Die Welt*, November 27, 28, 29, 1957.

[45] The committee memberships can be found in the *Amtliches Handbuch des Deutschen Bundestages* (Neue Darmstadter Verlagsanstalt), issued for the 2d and 3d Wahlperioden with periodic revisions.

[46] Dolf Sternberger, "Das System der Ausschüsse," *Die Gegenwart*, Vol. 8, No. 195 (November, 1953), p. 751.

[47] *Cf.* Golay, *op. cit.*, ch. 3.

As a result, the most important constitutional power of the Bundestag *vis-à-vis* the Government is the appointment of the Chancellor, which requires the approval of its members under all circumstances. A Chancellor must be elected by an absolute majority of the Bundestag, or if this proves impossible after fourteen days, he may be elected by a plurality unless the President chooses under these circumstances to dissolve the Bundestag (Article 63). But in effect this power has been transferred from the Bundestag to the electorate, after its first exercise in 1949 when Adenauer was chosen by a single vote. Subsequently, the reduction in the number of parties and their voting discipline made it increasingly unlikely that any one except the leader of the party obtaining the greatest number of seats would be elected Chancellor. Under the influence of Adenauer's political style, the personality of the party leader, in effect the party's candidate for the Chancellorship, became a major issue of the Bundestag election and in selecting parliamentary representatives the voters in effect elected the Chancellor, and the Bundestag in 1953 and 1957 merely ratified their choice. The SPD drew the inevitable consequence of this development in 1960 when it "nominated" Willy Brandt, mayor of Berlin, and its most attractive public figure, as its Chancellor "candidate" although he was not even a member of the Bundestag. It went still further by "nominating" a team of eleven leaders for the election campaign who would presumably constitute a part of a Social Democratic Government, only five of whose members were Bundestag deputies, and three of whom were past or present Minister-Presidents of the *Laender*. This recruitment of national leaders in part from state governments, reminiscent of the American pattern, was explained by the SPD as an effort to present to the voters "personalities who had proven themselves through the exercise of government positions . . . and had demonstrated thereby that the SPD was well able to undertake responsibility in the state."[48] The replacement of parliamentary by executive qualifications and electoral appeal for the Chancellorship is a significant departure from the parliamentary pattern.

It is consistent with this development that once the Chancellor is appointed he is remarkably free of Bundestag influence and control. He nominates and dismisses his colleagues in the Government. The Basic Law refers only obliquely to responsibility to Parliament, in the provision that "the Federal Chancellor determines the guidelines of policy and is responsible for them" while "within these guidelines each Federal Minister conducts the business of his department independently and on his own responsibility" (Article 65). The only way the Bundestag can enforce this responsibility is by electing a new Chancellor with an absolute majority vote (Article 67). The Chancellor, on the other hand, can request the dissolution of the Bundestag if it refuses to express its confidence in him or, alternatively, can seek the declaration of a legislative emergency allowing him to by-pass the Bundestag for six months in the legislative process (Articles 68 and 81). The Chancellor can make and remake his Government, regardless of the Bundestag. Striking examples of this prerogative were displayed when Adenauer, in 1955 and 1956, maintained in his cabinet—and thereby detached from their parties—willing leaders of the GB/BHE and the FDP, when these parties in the Bundestag went over into opposition.[49] Furthermore, the Chancellor can ignore motions passed by the Bundestag censuring individual ministers or Government policy. Since the Rules of Order require one quarter of the House to support a motion to select a new Chancellor (para. 98, sec. 2), the Chancellor is not likely to be harassed by attempts to unseat him. Even if elected only by a plurality of the Bundestag, the Chancellor cannot be dismissed unless a division within the party or parties initially supporting him produces an absolute majority for someone else. It was with a recognition of the futility of this procedure that Adenauer recommended it to those within his own party who opposed his decision to continue in office instead of seeking the Presidency in 1959. In practice it is not likely that a Chancellor could survive the loss of his legislative majority in the Bundestag even though the Basic Law would permit him to remain in office. That his term is nevertheless liable to be commensurate with that of the Bundestag is due more to the present party system than to the presumed juridical magic of the requirement of a constructive no-confidence vote.

The separation between Government and Bundestag, not characteristic of the parliamentary system, stems from other factors in addition to the Chancellor's independence of Parliament and the nearly fixed tenure of his Government. Although, with four exceptions in the first Adenauer Government and one in the second, Ministers have always been members of the Bundestag, there are at present only eighteen political appointments in the Federal Government. The average Bundestag member can therefore hardly have ministerial ambitions, particularly since, in addition, parliamentary performance is not a leading qualification for ministerial appointment. In forming a cabinet, the need for regional balance, representation of all political tendencies in the governing party or coalition, confessional parity (in the case of the CDU), and executive ability in the field of the appointment are the chief considerations.[50] Parties do not leave it to chance that *ministrables* so qualified will be found within the ranks of their *Fraktionen* and therefore make the inclusion of such men one of the main goals of "planning" their party group at the nomination stage. To a great extent, the ministers are therefore selected in advance of the parliamentary elections, rather than being recruited from among the successful parliamentarians. This was the disillusioning experience of the highly regarded chairman of the Bundestag Foreign Affairs Committee, Kurt Georg Kiesinger, who finally decided in 1958 to resign from Parliament to become Minister-President of Baden-Wuerttemberg, partly in the expectation that this was the more direct route to a position in the Federal Government.[51]

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[48] *Die Welt*, August 25, 1960, pp. 1–2.

[49] Alfred Grosser, *La démocratie de Bonn, 1949–1957* (Paris, 1958), pp. 72–73.

The neglect of parliamentary experience in the recruitment of the leaders of the Government is also due to the relatively small role which parliamentary activity plays in a ministerial career. Without daily question periods in which he must defend his policies, with the right to have civil servants speak for him in the Bundestag, with no danger of being dismissed because of an adverse vote, and with no responsibility for the leadership of his *Fraktion* in the Bundestag, since it has its own wholly separate organization, German ministers do not stand or fall on their parliamentary reputations. Moreover, there are no parliamentary secretaries to orient their Ministers to Parliament (nor to enable parliamentarians to test their ministerial ambitions); the immediate subordinate of the Minister is a permanent civil servant.

On the occasions when ministers must defend themselves in the Bundestag, the rules give them a strong advantage. Interpellations, which may be moved by thirty members (Rules of Order, para. 105), may be initiated by the majority parties themselves to offer the Government an opportunity to justify a policy at a convenient moment. More often, however, they are moved by the Opposition, as was true of 19 out of 24 interpellations debated during the first two years of the third Bundestag. Even then the Government sets the date for the discussion (para. 106). In addition, ministers have, on this occasion as on all others, the right to be recognized at any time (para. 47), enabling them to take the initiative from the Opposition by anticipating its case for the interpellation with a declaration of Government policy preceding it.[52] The allotment of time for debates, including interpellations, has been made by agreement among all parties in the House, ever since the disappearance of splinter parties and extremist groups which made such consensus difficult in the first Bundestag. However, the division of time among the parties recognizes their relative strength, giving the governing parties an advantage equivalent to their majority, and still leaving ministers the right to be heard at any time in addition. Furthermore, under the Rules of Order, a majority of the Bundestag can close debate (para. 30) or change the allotment of time, even after the debate has begun (para. 39). The Government can, therefore, through its control of the majority, control the duration of debate. In 1958, an interpellation debate on atomic armament, which had attracted wide public attention, was ended by the use of this power in advance of the time agreed upon by the parties when it seemed to be causing the Government embarrassment. That in this isolated instance of its use the power of closure was put to partisan advantage exposed its significance as a potential instrument of Government control over the Bundestag.[53] The Constitutional Court subsequently declared that the conditions under which the debate had been held were constitutional. Employing an argument which appears to assume a separation of powers between Government and Bundestag rather than a parliamentary relationship, the Court specifically justified the right of members of the Government not to be limited by the debating time allotted to the majority parties. "In the speeches of members of the Government," the Court said, "primarily the viewpoint of the Government is expressed, which need not coincide with that of the parliamentary majority."[53a]

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[50] This was particularly evident in the difficult task of forming the third Adenauer Government. See, for example, the articles by Jürgen Tern in the *Frankfurter Allgemeine Zeitung*, September 21, 1957 and October 5, 1957.

[51] *Die Gegenwart*, Vol. 13, No. 25 (December 13, 1958), pp. 786–7.

[52] This has occurred twice, in the 152d session of the second Bundestag (June 22, 1956) and in the 9th session of the third Bundestag (January 23, 1958). For the more recent occasion, see *Das Parlament*, Vol. 8, No. 4 (January 29, 1958), p. 3.

[53] Deutscher Bundestag, 3. Wahlperiode, 21. Sitzung, March 25, 1958. See the remarks of Deputies Rasner, Mommer, Bucher, Arndt, and Mende, reprinted in *Das Parlament*, Vol. 8, Nos. 13–14 (April 2, 1958), pp. 9, 20.

Appropriations debates have become the main occasions, next to interpellations, when Government policy must be defended in the Bundestag. In addition to its general advantage in debating time, the Government enjoys a special privilege in budgetary questions because of the constitutional stipulation that "decisions of the Bundestag and the Bundesrat which increase the budget expenditure proposed by the Federal Government or include new expenditure or will cause new expenditure in the future, require the consent of the Federal Government" (Article 113). The very existence of this provision is important in determining the relationship between the Government and the Bundestag, in spite of the fact that during the first and second Bundestage it was only once employed to "veto" a decision of the House.[54] Although in the Appropriations Committee the Government budget may undergo change, on the floor of the Bundestag the budget debate becomes a debate on policy, department by department, because of the Opposition's recognition that it will have no chance to change details in the budget by a vote on the floor.

The dominant position of the Government is demonstrated not only by the advantages it enjoys in defending itself before the Bundestag but by the initiative it exercises in legislation. In postwar Germany, an unusual amount of detailed legislation has been passed, in part explained by the need to reconstruct the legal order, in part by Parliament's insistence on precision in legislation. Despite a constitutional division of powers between the central government and the *Laender*, the legislative competence of the central government is very extensive because of a broadly constructed concurrent powers clause (Articles 72 and 74).

Constitutionally, bills may be introduced in the Bundestag by at least fifteen of its members, by the Bundesrat—in which case the bill must be accompanied by the opinion of the Government—or by the Government, which must accompany its bill with the opinion of the Bundesrat (Article 76). But in practice, during the first and second Bundestage, most bills were introduced by the Government. Of 1682 legislative proposals, 918 were made by the Government, accounting for 72 percent of the 1052 pieces of legislation ultimately enacted. Some 715 bills were proposed by members of the Bundestag, but these accounted for only 26 percent of all legislation passed. This latter category, moreover, included bills inspired by the Government but introduced by Bundestag members in order to by-pass the requirement that official Government bills receive the opinion of the Bundesrat before their introduction. Also included in this group were bills having all-party approval, and introduced in this fashion to assure their support by the entire House. Therefore, not all bills introduced by members of the Bundestag represent their individual proposals, or even the proposals of the opposition parties. The Bundesrat has made very little use of its legislative initiative, having introduced only 49 bills which constituted just two percent of legislation enacted.[55] The legislative influence of the Bundesrat rests on the fact that, because of an unexpectedly broad interpretation of a constitutional provision (Article 84), more than half of all bills require Bundesrat approval for their passage, and because the remainder may be subjected to a Conference Committee between the Bundesrat and the Bundestag in which the Bundesrat tends to prevail.[56]

In effect, therefore, the Government proposes, and it is the role of the Bundestag to dispose. In spite of party discipline, the House may express its own will, particularly on matters of legislative detail, in the privacy of the committee room or in the party meeting of the majority. But in public its legislative powers are exercised by a well disciplined majority normally controlled by the Government. Such special powers to supervise the Government as the constitution grants to the Bundestag, such as the right to have its own Defense Commissioner to assist it in overseeing the armed forces (Article 45b), and its ability to demand the presence of any member of the Government (Article 43, sec. 1) are also liable to become in practice subject to the Government's control. Even investigating committees, which may be established by a minority of one-fourth of the Bundestag, will usually be composed of a majority of members of the Government parties and are not therefore apt to be effective as instruments by which the Bundestag may control the Government (Articles 44, 45, 45a). They have seldom been instituted and have attracted only limited attention. Politically, the House as a whole does not have a will of its own to oppose to the Government.

[53a] *BVerfGE*. 10, 4, at p. 19.

[54] See Wilhelm Henrichs, *Artikel 113 des Grundgesetzes*, Schriftenreihe des Instituts "Finanzen und Steuern," Heft No. 55 (Bonn, 1958).

[55] Statistics from *Die Bundesgesetzgebung*, 1953, pp. 5–7; *Bundesanzeiger*, October 23, 1957, p. 4; *Bulletin des Presse und Informationsamt der Bundesregierung*, No. 198 (October 23, 1957), p. 1814.

[56] Karlheinz Neunreither, "Politics and Bureaucracy in the West German Bundesrat," this REVIEW, Vol. LIII (September, 1959), pp. 721–2; Neunreither, "Federalism and West German Bureaucracy," *Political Studies*, Vol. VII (October, 1959), pp. 239–240.

It is the Opposition in the Bundestag which alone has this will, and therefore the exercise of a parliamentary control over the Government depends in many respects upon the Bundestag minority. In this connection the right of a minority of one-third plus one to block constitutional amendments (Article 79, sec. 2) has been important because of a relatively frequent use of the amending process in Germany. Ten changes were made in the Basic Law in ten years, some of them very controversial, and more are in prospect. After the election of 1953 three minor parties were included in the Government to enable it to enact amendments permitting rearmament; since 1957 all amendments have required the approval of both major parties because the SPD commanded more than one-third of the seats of the Bundestag. But the right of parliamentary debate, which means the right to criticise the Government publicly, is potentially the Opposition's chief weapon. The shortcomings of debate in the Bundestag are therefore particularly significant. The Rules of Order, which favor the Government so heavily, have already been mentioned, as has the relative infrequency of plenary sessions. Still more important is the formality of debating style, which discourages public attention. The major speeches are party statements, and therefore tend to be fully rehearsed committee products. They are delivered from a rostrum, and it has proven impossible to enforce the stipulation of the Rules that all speeches be "basically extemporaneous" (para. 37). Although technical facilities have been provided to make possible interpolated questions from the floor, the deputies have limited themselves to unrecognized interruptions which tend to be vituperative comments rather than debating points. Because some of the major differences of opinion exist within the parties rather than between them, particularly on domestic issues, the extension of party discipline to the content of debate itself has obscured many issues. The failure of the Government to accord to the Bundestag the prestige of being the first audience to hear major policy statements has robbed many debates of their excitement and importance, especially when their main points have been anticipated in press conferences and radio addresses.

Efforts to interest the public in the deliberations of the Bundestag have been great and have had a wide impact. During the second Bundestag, 22 debates were televised, 15 were broadcast, and 1,850,000 visitors took the guided tour through the Bundeshaus, some of them attending the debates. Although the stenographic reports of the Bundestag are not widely distributed, a weekly newspaper, *Das Parlament,* containing verbatim transcripts of the main debates, is sold in 20,000 copies. The result of this dissemination of Bundestag debates is difficult to gauge. Although the opinion polls report a growing popular approval of the Bundestag, it is significant that the figures reveal great variations depending upon partisan sympathies. In a recent poll, 52 percent of the population responded favorably to the question, "What do you think of the Bonn Bundestag as the assembly representative of the people?" Some 81 percent of CDU sympathizers replied affirmatively, but only 35 percent of SPD supporters.[57]

That the public view of the Bundestag should be divided along partisan lines is not surprising since the Bundestag exhibits partisan division so completely in that part of its functioning most conspicuous to the public. Although authentic debate and important decisions may take place in its committees and its party groups, the Bundestag in public appears like an assembly of instructed partisans whose speeches lack the capacity either to persuade opinion or to hold attention.

The Government's independence of Parliament for its existence, the initiative it holds in the legislative process, and its freedom from parliamentary control are impressive. The position of the Government is well expressed in the symbolism of the seating arrangement of the Bundestag. There the members of the Government sit, not on the front benches of the House, but on elevated benches to the right of the President of the Bundestag, facing its members and descending to its level only to vote. Although this traditional German arrangement has recently become the subject of much critical reappraisal, it will take more than a redecoration of the chamber to alter the underlying relationship of Government and Parliament which the present arrangement expresses.

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[57] *Die Welt,* August 29, 1960, p. 2.

V. CONCLUSION

It is clear that the Bundestag does not occupy the position traditional in a parliamentary system. Except in the performance of constituents' errands, its members have little opportunity to serve as individual representatives of their constituencies. They act with a high degree of party discipline and what individual contribution they make to parliamentary deliberation is made privately on the basis of their expert skills—and special interests—on subjects of legislation rather than publicly on the basis of their personal judgments on great political issues or their individual capacity to articulate the issues persuasively in debate. The Bundestag is not a training ground for governmental leadership. Instead, it functions under the leadership of a Government which it does not effectively choose or control. In addressing itself to the electorate, partisan divisions are so conspicuous that it is handicapped in its function of education, persuasion, and integration of the community.

But in drawing these conclusions, is one saying anything more than that the German Bundestag is subject to the same erosion of functions which the French National Assembly and the British House of Commons have also experienced under the influence of political phenomena common in modern industrial states? Of the replacement of the powerful Assembly of the Fourth French Republic by its shadow under the Fifth, Kirchheimer has written that

> in France, as everywhere else, the legislature—constitutional provisions notwithstanding—has ceased to be a decisive factor in political life, having yielded many of its functions to the administration and the political parties.[58]

In Great Britain, "the exaltation of the executive (both Cabinet Ministers and civil servants) at the expense of the House of Commons" is no longer doubted.[59]

Yet the German situation is not entirely comparable. Whereas one can speak of the decline of Parliament in western Europe, as one has for at least two generations, the case of Germany is different because parliamentarism there was never fully established. If the function of the French and British parliaments is in fact seriously declining, there remain in these states strong habits of parliamentary government which limit the power of the parties, the civil service, and the Government day by day, and which may still, in a crisis, be expected to save constitutional government by checking the concentration of power. In Germany this residue of parliamentarism is lacking. In fact, this comparison only reveals the special handicap of German parliamentarism: that it is being developed in times not hospitable to it.

Furthermore, although single characteristics of the functioning of the Bundestag find their counterparts in other Parliaments, the combination of them is not duplicated. If voting discipline is as strong in the House of Commons, party control there does not extend to the content of the debate. If the recruitment of the Government is developing some of the characteristics of the American system, the American system is not parliamentary in nature and has distinctive checks and balances. If the system of specialized committees is reminiscent of France's under the Fourth Republic, the rôle of the committees in France was played in the context of plenary meetings of the Assembly far more significant than those of the Bundestag.

After only eleven years of operation, the postwar German system of government is still undergoing rapid change and development. The party complexion of the second Bundestag was significantly different from the first; the third Bundestag has reformed the committee system, working schedule, and system of compensation of the second; and important changes in the rules of procedure and the physical arrangements of the House are in prospect. The relationship between the Chancellor and the Bundestag can only be provisionally described so long as it is nearly impossible to distinguish between the institutional characteristics of the office and the personal style of its only incumbent so far. Nevertheless, it is important to recognize that at the moment the parliamentary forms which have been reestablished in Western Germany do not function as a parliamentary system of government. Instead, their pattern of operation compares more closely to that of previous German constitutional systems than to the regimes of Great Britain and Western Europe in which the concept of parliamentary government originated.

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[58] "France from the Fourth to the Fifth Republic," *Social Research*, Vol. 25 (Winter, 1958), p. 413.

[59] For a recent example of this critique, see *The Economist*, Vol. CXCVI (August 20, 1960), p. 705.

DILEMMAS OF POLITICAL LEADERSHIP IN THE ARAB MIDDLE EAST: THE CASE OF THE UNITED ARAB REPUBLIC*

P. J. VATIKIOTIS
Indiana University

The use of traditional symbols by leaders of newly independent states to achieve consensus in their respective political communities is not unusual these days. The professed aspiration of these leaders to modernize their societies does not keep them from manipulating traditional symbols for the maintenance of order in a period of troubled transition. Often the student of politics in these states finds that formal changes in the institutions and functions of the state and government do not necessarily reflect or imply serious structural and conceptual changes. Nor do they necessarily affect appreciably the concept, use, or allocation of power.

When members of the military establishment acceded to political power in some Middle Eastern states in the past decade, they announced their intention to "modernize" their societies. This aspiration raises a variety of questions for the student of Middle Eastern politics. What political ideology, order, and system was the new leadership proposing? The desire to "modernize" implied that their societies were still bound in a complex of traditional relationships and structures. The attitudes of the new military leaders, who claim to desire a departure from the past in national development, toward the Islamic religious-traditional background of society should be a primary factor in any analysis of the orientation of this new leadership.

The relative importance of Islam to the study of the army in politics stems from the claim, made especially by Egyptian officers, that they will reform their society along "secular lines." The Egyptian military rulers also claim they are trying to create a new "socialist, cooperative, democratic" society based on industrialization, and on social and economic reform generally; in brief, a modern society from which will emerge a new political order. Two considerations then arise: what role Islamic tradition will play in the forging of this new order, and how the army rulers view that role of tradition.

I. THE ARMY OFFICERS AND ISLAM

In November 1954 the Egyptian Government, controlled by the Free Officers Executive which at the time was organized as the Revolutionary Command Council, decreed the establishment of the Islamic Congress (*al-mu'tamar al-islami*). Significantly, this decree was promulgated at a time when the struggle for power between the revolutionary army officers and the Muslim Brotherhood was in its final stages.[1] The aims of the Islamic Congress were outlined as the educational and social welfare of all Muslims; the translation of the compendia of Islamic traditions into Asian and African languages; the initiation of studies on the economic problems of the various Muslim countries preparatory to the increase of commercial and trade relations between them; the propagation of the message of Islam in Africa and Asia; the teaching of Arabic and the publication of the Holy Koran for wider distribution among Muslims everywhere; the establishment of cultural centers in Jerusalem, Indonesia, Somaliland, and Northern Nigeria; and the creation of a central office for Islamic youth guidance.[2]

Legally, the Islamic Congress was designated by the 1954 decree as an agency of the Presidency of the Republic. Administratively, it has been headed since its inception by ex-Colonel Anwar Sadat, who was appointed Secretary-General, and who has been advised by a rather conservative panel of Islamic scholars. Although the many aims of the Congress outlined above appear to give it wide scope, it has so far concentrated its activities upon Egypt's relations with other Islamic countries, especially Northern Nigeria and Somaliland in Africa. On the basis of actual performance, besides its extensive scholarship program for Muslim students from other countries wishing to study at the Azhar University or the secular state universities of the United Arab Republic, the Islamic Congress supports projects of medical aid to backward Muslim countries, and provides teachers for their schools. The apparent discrepancy between the originally outlined aims of the Congress and its actual program to date is due to the hesitation, mixed with suspicion, of other Muslim rulers or heads of state to participate extensively in its activities. They fear that the Congress is basically an organization devised by the revolutionary officers in Egypt for political action abroad.

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[1] The struggle between the Free Officers and the Supreme Council of the Muslim Brotherhood had been going on since August 1952, when the latter organization insisted upon a share in government. By the autumn of 1954, the Free Officers in power were well on their way to outlawing the Brotherhood. It had been implicated in the Naguib-Nasser controversy of February-March 1954 on the side of General Naguib.

[2] See press interview with Anwar es-Sadat, Secretary-General of the Islamic Congress, in *al-Ahram*, 6 July 1956.

Within the United Arab Republic itself, the Islamic Congress is not notably active. Nor does it evoke widespread enthusiasm among Egyptians or Syrians. Its establishment, however, had some impact on the relationship between the army officers in power and the majority of an Islam-conscious public, as a reassurance of the army's desire to uphold and even promote the message of Islam and the solidarity of Islamic peoples in the Middle East and elsewhere. It helped to convey an image in the minds of the people that defense of the faith is not the exclusive prerogative of conservative religious leaders (*sheikhs* and *ulema*); army officers can defend it too. In more practical political terms, the concern of an army junta with Islamic welfare represented a measure to placate fundamentalist fellow travelers of the Muslim Brotherhood when the latter organization was dissolved in October 1954 following its further implication in a plot to assassinate Gamal Abdel Nasser in Alexandria. But while the message of Islam and the solidarity of Islamic peoples made a congenial package for home consumption, they did not go together so easily as an Egyptian export.

While in no way actually indicative of the ruling army officers' concern over Islamic political institutions or aspirations for the establishment of an Islamic State, the Islamic Congress profitably emphasized for public consumption the junta's respect for the Islamic heritage in Egyptian society. The Free Officers leadership understood from the beginning the importance of Islam as a link between their movement and the majority of a tradition-bound public. In the absence of any other strong or fully developed link, the religious-national bond of Islam appeared to the Army rulers the most efficacious for political purposes and communication with the masses.[3]

Muslims in the U.A.R. today are not concerned with the establishment of an Islamic State in the religious-legal sense of the term, but rather with the establishment of an efficient state. There was, for example, no objection to or agitation against the recent legislation in Egypt and Syria abolishing Islamic or *sharia* courts. Similarly, decrees which rendered a woman's testimony equal to a man's were accepted quietly. Yet the political appeal to an Islamic sense of community and loyalty is still potent. Thus, while abolishing religious jurisdiction courts, the U.A.R. government requires all schools in the Republic to provide religious instruction for their students. The assumption of political office is still ceremoniously legitimated by the *bay'a*, or traditional Islamic oath of allegiance, by the people to the ruler. All official government correspondence is today still prefaced by the opening verse in the Holy Koran, "In the name of Allah the Beneficent, the Merciful" (*Bism illah ar-rahman ar-rahim*).

No doubt it would be difficult for any ruler in the Middle East today to reject completely or legislate out of existence the Islamic heritage, regardless of the inroads of a foreign culture. Significantly though, President Nasser has not shown himself inclined to revive—let alone strengthen—Islamic institutions as distinguished from traditions. Nor were his predecessors able to reform them in the light of modern necessities. In a sense, the "Islamic Myth" has failed to produce a stable and strong Arab, Egyptian, or Syrian political community. Its replacement by a secular national formula appears necessary. But the new ruling class of army officers in the U.A.R. is faced with a paradox: the need to appeal to the "Islamic Myth" of communal and cultural identity in order to work for the achievement of a new formula to supersede it.

Islam also serves as an effective arm of foreign policy. It is, however, paradoxical here too for a government to promote a supra-national identity when it is trying desperately to create a national consciousness. Or is the only valid and possible nationalism open to the Arabs an Islamic one? Wilfred C. Smith's thesis in his *Islam in Modern History*,[4] that there is a special relation between the Arabs and Islam, in the sense that the Islamic element is paramount in Arab national consciousness, is plausible. But this relation multiplies the national problems of modern leadership in the U.A.R. To become permanent the secular nationalism of the army ruling group must be religiously accepted by the masses. Islam and its traditional nexus unavoidably influence such political issues in all the Arab-Islamic states as social order and control, leadership and the formulation of public policy, national goals and interests; for regardless of the terms in which the attempted secular national myth is couched, it acquires religious overtones as it penetrates the masses. In Egypt particularly, where does the use of the Islamic-Arab premise in national development diverge from the Egyptian consciousness of a folk-nationality ante-dating Islam? With the exception of the brief Fatimid period (A.D. 963–1170), Egypt cannot proudly associate itself with Islamic glory. Then, again, the Islamic factor in nationalism is both exclusive and inclusive. It is exclusive in leaving outside the pale the non-Muslim Egyptian and Syrian; and it is inclusive in embracing the vast majority of Middle Eastern Arabs within its scope.

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[3] See my "Recent Developments in Islam," in *Tensions in the Middle East*, ed. Philip W. Thayer (Baltimore, 1958), pp. 165–180.

[4] Princeton University Press, 1957.

The army rulers of the U.A.R. are perhaps justified in using Islam as an instrument of national policy. Other societies and states have used and continue to use the religious heritage complex for nationalist purposes, apart from the legitimate contention that religion provides a fundamental type of social integration even in the most developed political systems. So long as the Middle East was organized in empires and dynasties within which religious communities carried on an autonomous existence, the problem of political stability was not serious. But the eventual confrontation, if not serious clash, between secular nationalism on the one hand and Islamic fundamental and communal particularism on the other produced a major crisis as yet unresolved. The concept of the nation-state introduced into the Arab Islamic area by preachers of the secular nationalist gospel was a decided novelty, which so far does not seem to be the final political form agreed upon by all Arabs or other Muslims. Nor has the element of universal appeal in Islam furnished a sufficient basis for a supranational political authority.

Religion and politics have overlapped throughout the history of Islamic nations, with politics usually dominating religion. Ibn Khaldun, who long ago recognized the predominance of politics over religion in the affairs of Muslim states, has presented us with an incisive criticism of the institution of the caliphate in his *Prolegomena* (*Muqaddima*), written in the fourteenth century. The earliest factionalism in Islamic history was motivated by political considerations, as is plain the first Sunni-Shia schism under the Caliph Ali (A.D. 656–661). Indeed, one may safely generalize the political motivation of most doctrinal and sectarian differences in Medieval Islam.[5]

President Nasser of the U.A.R. has reason, then, for his desire to separate politics from religion. As he once admitted, "When you mix politics with religion, politics will still dominate." He is further aware that the Muslim Community, as a community of believers (*Umma*) has lost much of its solidarity by fragmentation under the impact of modern forces. The proliferation of largely Muslim nation-states in the past fifty years, the hardening of geographical-national boundaries between them, and the influence of modern economic and social institutions have created wider chasms in state-national and class loyalties. But when Nasser, or any other contemporary head of an Arab state, speaks of divorcing politics from religion, he usually means the administration of the state and the functions of government. He does not necessarily imply adoption or implementation of completely secular political concepts, such as the nation, authority, and citizenship, independently of the Islamic cultural complex and faith. Except for a small percentage of the urban population, the societies in both Egypt and Syria are largely rural and religion-oriented, especially in the some 5,000 villages in Egypt, where Islamic forces continue to mold and guide individual as well as corporate life. Government institutions introduced to regulate particular aspects of rural life (such as health, agriculture, and compulsory schooling) have, until recently, made slow progress in breaking down, let alone superseding, traditional behavior. Little wonder then that some Arab thinkers can still assert that an attachment to the Islamic faith and spirit is necessary for the future development of Arab societies.[6]

One may argue that increased material and technological changes will ultimately break down the folk-religious base of the community. Most villagers in Egypt have indeed begun to imitate city-dwellers in their use of more material goods, but their basic attitudes regarding community life and social relations have not changed appreciably.[7] Nasser is soberly aware that it is a long step from the villager's ready folk-religious identification as one among the *ummati 'l-muslimin*, or community of Muslims, to his becoming an active member of a "democratic, socialist, cooperative" society.

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[5] See P. J. Vatikiotis, *The Fatimid Theory of the State* (Lahore, 1957).

[6] See, for example, Abder Rahman el-Bazzaz, "Islam and Arab Nationalism," in *Die Welt des Islams* (1954), Parts 3–4, pp. 210–218, where he asserts that "Arab nationalism devoid of the spirit of Islam is like a body without a soul." But compare this view with Sati' al-Husri, *Al-'uruba awwalan* (Beirut, 1955), who tries to make a case for a secular theory of Arab Nationalism.

The problem therefore facing the army rulers as the self-styled, and possibly only available, agents of social, economic and political change is not what new national ideology to foster, but how to devise one. They cannot very well reject Islam the Faith, nor can they revert to pure Egyptianism; for now they claim an interest in and a message for the larger Arab political community. If as Wilton Wynn claims, "[They] yearn for independence and dignity,"[8] the army rulers cannot escape the fact that the only dignity and glory Arabs ever knew was under the banner of Islam. A nationalist interpretation of Islam presents itself as a ready alternative to the new army leaders. It is often nationalist Islam, indeed, which appears as Arabism, or *al-'uruba* and *al-qawmiyya'l-arabiyya*, today. But nationalist Islam has been humiliated partly by prolonged European domination in the past, and partly by the more recent defeat in Palestine.

Within the U.A.R., the military regime is trying to curb the political influence of Islamic religious leaders, though the policy to this end is not as drastic as that of Ataturk in Turkey thirty-five years ago. In Egypt, for example, the Nasser government has brought the Azhar University hierarchy under more strict state control. Under the previous regime in Egypt, the Azhar *sheikhs* were able to exert a good measure of political influence and control in the affairs of state through their convenient alliance with the Palace. Religious and mystic orders, *tariqas*, which claim some three million followers and sport a variety of saints and cults, have also been recently brought under more rigorous state control.[9] The army rulers nevertheless saw fit to utilize religion as a ready medium of communication with the masses. The Friday Sermon since 1955 has become a didactic technique as well as a vehicle for the expression of "revolutionary" policy, as was shown by Nasser's famous November 9, 1956 mosque address, soon after the Suez attack by Anglo-French forces. This particular address fused again in the person of the President the religious and political leadership of the Islamic Community in the face of a common enemy—an infidel enemy at that; it also reflected the re-fusion of Nationalism and Islam. As Anwar Sadat postulated on September 26, 1959, during the Islamic Congress celebration of the Prophet's birthday, "the Islamic idea arose on the basis of *tawhid*, or the oneness of God, in order to unite the Arabs in one strong union."[10]

Students of the Arab Middle East have contended that secular nationalism in the area was led by a highly westernized elite. If one accepts the thesis that the army officer corps is the most cohesive westernized group in Arab society today, one must argue that the army officers corps is the natural leader of secular nationalism. But its following remains largely unwesternized and stubbornly traditional. There is even a certain contradiction in these terms when applied to the members of the army officer corps themselves. Many of the cabinet members in Egypt, for instance, especially among the army officers, still subscribe to a religiously conservative and traditional view of life. In a recent interview with the *Rose El-Youssef* magazine, the present Minister of Social Affairs for the Egyptian Region of the Republic, an ex-army officer, emphasized his attachment to the integrative force of the religious tradition. Socially speaking, very few of the original members of the Free Officers Executive still in power can be said to have a Western outlook on life. The Western model is not, however, the only available one to them today: there are also the Soviet and the Chinese-Asian. Which they will choose in their policy of "modernization" remains to be seen; they may, on the other hand, develop their own model.

The fundamental relationship between Islam and nationalism explains in part the success of the Muslim Brotherhood in the 1940's. But even today the army officer corps and its leadership encourage a dual development in national endeavor: the acquisition of technical and political training inspired mainly by Western orientation and standards on the one hand, and a continued attachment to the ethical-educational benefits of Islam on the other. The use of religious symbols by the army rulers of the U.A.R. is now accordingly an integral part of any nationalist program. Until the army leaders can arrive at some agreement over fundamentals and goals for the nation on the basis of a secular formula, Islam, in many respects, will continue to serve as the basis for minimum agreement between the members of the political community. One may properly question the use of this device by an Egyptian ruling group, for Egypt among all the Arabic-speaking countries has had the longest existence as a nation, independently of Islam. It was Pharaonic, Ptolemaic, Roman, and Arab-Islamic. The last stamp, many argue, has left the strongest imprint, and significantly because Egypt was Islamized. Today, the military rulers argue that, in spite of a pre-Islamic national identity, Egyptian national consciousness has been saturated and mostly guided by its later Islamic faith.

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[7] See the excellent study by Hamed Ammar, *Growing Up in an Egyptian Village* (London, 1954), esp. pp. 214–237.

[8] *Nasser of Egypt: The Search for Dignity* (Cambridge, Mass. 1959).

[9] See especially the efforts of the Ministry of National Guidance and Culture to dignify holy feasts, such as the Prophet's Birthday (*mulid en-nabi*), by curbing the mass celebrations of *tariqas*. See a special report to the press by former minister Fathi Radwan in *al-Ahram*, 25 September 1958.

[10] *Al-Ahram*, 27 September 1959.

II. THE ARMY OFFICERS AND ARAB NATIONALISM

History, geography, and politics have made Egypt, the country accused by other Arabs of being least Arab, the center of Islamic consciousness and the leader of Arab nationalism. Although the religious base of authority has been widely undermined in the Arab countries —in the sense that an Abdul Hamid was not readily acceptable as a Caliph even at the turn of the century, or that a Farouq was later ridiculed for having similar ambitions—a complete secularization of the claims for political allegiance could still prove the undoing of rulers in many of these countries today. The army rulers in Egypt grasped this truth from the outset. Thus, if Damascus and Baghdad claim preeminence in Arabism, it was and still is in Cairo that its advocates can expound and nurture it. Although Mecca and Jerusalem may represent all that is holy in Islam, it was and still is in the Azhar University at Cairo that religious thought, teaching, and orthodox Muslim pronouncements are molded and diffused. Cairo may not have been the birthplace of Arab nationalism or Arabism, but it manages to represent better than Damascus, Baghdad, or Mecca all that Arabism presumably aspires to. The traditional insularity of Egypt precluded her early leadership in Arabism, but her position as the cultural and intellectual center of Islam permits her today to be effectively pan-Arab.[11]

Egyptian rulers even before Nasser were apprehensive of isolation in the Arab World. They sought to contain Hashemite expansion and consolidation in the north, and were thus traditionally opposed to the Fertile Crescent and Greater Syria schemes of Arab Unity. This apprehension has been largely relieved by Egypt's acquisition of a base in the north, Syria itself. A previous attempt to maintain a balance against the Hashemites through an alliance with Saudi Arabia was not as fruitful.

Egypt's need to control or at least influence some segment of the Arab nation to the north has some historical basis. In ancient times as well as during the Islamic period, the control of Syria, and occasionally its annexation, was deemed essential to Egyptian security. Moreover, Egypt feels constantly pressed to maintain her preeminence if not leadership as spokesman of the Arab States by striving to dominate Arab League councils and politics. There is also today evidence of a positive identification of Egypt by the Arab public at large as the "revolutionary leader" of all Arabs seeking political, social, and economic emancipation. Habib Jamati, for instance, writing in a special issue of the monthly *al-Hilal* on Arabism (January 1957), could assert, "Egypt is today at the head of this Arab family, which, stretching from Morocco to the Persian Gulf, has awakened to the goals of freedom and independence."

Arabism is not essential for legitimizing the political power of the military in Egypt proper. Union with Syria in 1958, however, catapulted Arabism into an efficacious formula by which the Egyptian army rulers could transfer their leadership into a Syrian national context and secure a measure of popular allegiance there. Arab nationalism, *al-'uruba* or *al-qawmiyya'l-'arabiyya*, was the most forceful symbol representing popular aspirations. The army officers ruling Egypt recognized it as a source of strength while the people in Syria appeared to hail it as the essential requirement for change. Since 1955, the Free Officers in power in Egypt have intensified their efforts to present their revolutionary movement as an expression of the movement for Arabism. Anwar Sadat, often the spokesman for the junta, asserted in March 1957,

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[11] The privileged position of Egypt was argued as early as 1956 by such an eminent advocate of Arab Unity as Michel Aflaq, when he said that, in spite of Syria's earlier leadership in the cause of Arab Unity, certain conditions obtaining in Egypt—greater political independence, a greater awareness of popular needs and aspirations on the part of the Army rulers—rendered her better suited to lead the cause. He contended further that the Arab disaster in Palestine caused Egypt to abandon her old isolationism. See *Maarakat al-masir al-wahid* (Beirut, 1958), especially pp. 66–110. The material base for her new leadership may have been strengthened by her greater exposure to allied troop and supply movements during World War II.

> there was nothing behind our coup other than Arab Nationalism . . . which awakened a new historical development. . . . We must nurture this link between the peoples of the Arab Nation . . . for when the revolution occurred in Egypt it rendered the Arab Nation one nation, sharing one history and claiming one destiny.[12]

During the same month, President Nasser, addressing a rally of Palestinian students after the Israeli withdrawal from Gaza, emphasized Arabism as the major political and social weapon in the hands of the Arabs. He said,

> Nationalism (*al-qawmiyya*) is the arm which protects the Arab Nation from imperialist plots. It is the nation's weapon for securing the future. Nationalism is the means by which we can retrieve the rights of independence and freedom.

The term "al-umma'l-'arabiyya" (Arab Nation) appears recently to have become essential in the Arab nationalist vocabulary. It presumably refers to all the Arabic-speaking countries, and implies their essential unity as a cardinal aspiration of all Arabs. All other techniques adopted by Arab nation-states, especially Egypt, such as "positive neutralism" (*al-hiyad al-ijabi*), "revolutionary society" (*mujtama' thawri*), "democratic, socialist; cooperative society," represent necessary tactical measures and means for the establishment of the Arab Nation, *al-umma'l-'arabiyya.*[13] In Egyptian usage, Arabism may conceivably imply more traditional aspects of Egyptian policy. The Egyptian Free Officers undoubtedly view their movement as the model for liberating movements in all the Arab countries. Their interest in universalizing or implementing the model elsewhere in recent years has frequently brought against them and their leader, Nasser, the charge of expansionism. The brief success of the Nabulsi-led government in Jordan during 1956–57, and the early stand of the opposition in the Lebanon during the May-September 1958 crisis, prompted other Arab rulers to interpret the Arabism espoused by the Egyptian military rulers as a convenient tool for the extension of Egyptian hegemony over neighboring Arab countries. Indeed Iraq, the youngest Arab republic, and also the creation of a native Free Officers group conspiracy, now comes forth with a divergent interpretation of Arabism, perhaps one that implies Iraqi leadership and hegemony.

Though it would be unfair to underestimate the genuine sentiment among the politically conscious Arabs everywhere, and their often intense desire for unity, one cannot overlook the value of Arabism for the promotion of strictly national interests among the leaders of different Arab states. The army officer groups in the U.A.R. and Iraq are unlikely to agree on a common understanding of Arabism through political compromise. As the content of current nationalist ideology is developed by competing army juntas, Arabism itself becomes a competitive idea. The Arabism of Baghdad, emphasizing local national development, is diametrically opposed to that of Cairo, while that of Amman views both of these as covetous latecomers.

The ready identification by some Arabs of the leadership for Arabism with the Nasser-led Free Officers in Egypt is partly due to the sensational success of the army movement in establishing itself in Egypt, and its subsequent gains (or luck) in dealing with the Great Powers. The overthrow of a foreign dynasty, the achievement of freedom from foreign domination, and the beginnings of a social and economic reform program in Egypt have captured the imagination of many Arabs elsewhere who are politically and economically frustrated and who seek emancipation and, as they put it, "dignity." This response to the bid of Egyptian Free Officers for pan-Arab leadership was possible only so long as no other similarly successful military conspiratorial group appeared on the Arab political horizon. The presence in Iraq, however, of another army-led movement and government amidst the Arab World, which was also able to overthrow a monarchy and a regime notorious for its adeptness at total political control, no longer permits a monopoly of the interpretation of Arabism by the Egyptians or Syrians.

Arabism, or *al-'uruba*, today, seems susceptible of various levels of interpretation. It means different things to different groups in society. To the intellectuals, it evokes an ideological concept which will be eventually embodied in a structure to be known as the "United Arab States of the World."[14] To the masses, on the other hand, it often means the recapture of old Islamic unity and power.

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[12] Reported in *al-Ahram*, 10 March 1957.

[13] See especially the volume by Muhammad Izzat Darwaza, *Al-wahda'l-'arabiyya* [*Arab Unity*] (Beirut, 1957).

[14] Galal al-Hamamsi, a leading Arab journalist can thus seriously assert that Arabism is the highest aspiration of all Arabs, as well as of their respective governments. By Arabism he means its ultimate form and structure: Arab Unity. At one point, though, this journalist glibly compared the period 1860–1865 in American history to the present stage of evolution of the Arab states. Interview, October 1958.

To provide a practical meaning and content for Arabism is a major political task of the military regime in the U.A.R., especially now that the Syrian champions of Arabism, the Baath Party, are in political eclipse.[15] Today President Nasser and his inner core of Free Officer colleagues associate the revolutionary goal of a "democratic, socialist cooperative" society with Arabism. But the central role of the army in the general evolution of Arab Nationalism is not a new or sudden development. Indeed, the concept of the army as outside politics is unknown to the last two generations of Arabs. It is also quite alien to the Islamic tradition and state. The successful warrior in Islam, especially a prince of armies, was usually rewarded by the ruler with high political office. Whereas the rise of modern Arab states since World War I has been associated with dynastic leadership in the case of Egypt, and with tribal-personal-religious leadership in the case of Sherif Husein and his sons in the Hejaz, Iraq, Syria, and Jordan, the beneficiaries of the Arab independence movement in terms of political power and eventual control have been the members of the rising native military establishment. Army officers who formed the nucleus of Sherif Husein's and Faysal's political leadership channelled themselves into political office in Iraq and Syria during the inter-war period. Indeed, the *Ahd*, one of the earliest conspiratorial nationalist societies among the Arabs before the first World War, was mainly an organization of Arab officers in the Ottoman Army, led by such famous revolutionaries as Major Aziz Ali el-Masi and Salim al-Jaza'iri, and the early politics of independent Iraq were dominated by Arab ex-officers in the Ottoman Army, among them such members of *al-Ahd* as Nuri Said, Jaafar el-Askari and Taha el-Hashimi.

It is difficult to assess the final character of Arab Nationalism as interpreted by the military regime in the U.A.R. or elsewhere in the Arab world. This is due partly to the fact that the assertion of Arabism and Arab national endeavor in general is associated with Islam. If Islam is and has been a basic component of Arab Nationalism, will the new leadership of the army officer corps replace it by a secular formula? Undoubtedly, Islam has always lent an aura of representativeness to those national leaders willing to link the Arab Nation and its struggle for political freedom and unity with the Islamic cultural framework. For example, as contemporary an Arab nationalist as Munif er-Razzaz opens his remarks in *Maalem al-hayat al-arabiyya al-jadida* by asserting that "this force which was released fourteen centuries ago to realize itself and its potentialities and to fulfill its message, has not lost any of its vitality or spirit." The connection between Islam and the Arab thrust outwards from the Arabian Peninsula in this reference is unmistakable. On the other hand, Michel Aflaq, (a Christian) gives religion a place in this movement, but, for obvious reasons, underplays its significance. He overlooks the possibility, however, that very little may be left without religion, because the Arab Middle East as a whole has known an independent and flourishing existence only with Islam's success. These and other writers generally gloss over the question, was the Arab Nation ever really *one* nation even under Islam? The history of schism and revolution soon after the Prophet's death in A.D. 632, argues against the existence of one Arab nation at any time.

Perhaps Munif er-Razzaz among contemporary Arab writers has come closest to describing adequately the forces which produce tension in the Arab community today. He listed three: one, an internal force, represented by the sacred message of Islam urging the Arab community forward to unity; a second, reactionary force, represented by the recent experience of autocratic rule in the Arab World; and a third, representing the extraneous influences of imperialism and foreign domination, which obstruct the Arab community's efforts to achieve unity.

One can suggest a fourth source of tension, resulting from the disparate levels of leadership in the Arab World, the existence of separate nation-state entities, and a difference, if not clash, of interests of local ruling groups.[16] The diversity of political institutions, forms of government, and levels of economic and social achievement between the various Arab states today further complicates the issue of Arabism and its validity for all Arabs, let alone its acceptance by them. The one universal component acceptable to all Arabs is Islam.[17]

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[15] The Baath Party in Syria was instrumental in bringing about union between Damascus and Cairo; one of their fundamental party objectives was Arab Unity. After a brief participation in both the Central Government of the U.A.R. and the Executive Cabinet for the Syrian Region (February 1958-December 1959), most of the Baathist leaders in these positions have either resigned or been ousted from office, so that by July 1960 the Central Government of the U.A.R. had come under almost completely Egyptian leadership.

[16] *E.g.*, the obvious chasm separating the political orientations and interests of North African Arab rulers (Morocco, Tunisia, and Libya) from those of the United Arab Republic on the one hand, or the Republic of Iraq on the other.

Arabism, therefore, for the time being and the foreseeable future at least, is likely to remain intricately connected with Islam; and Nationalism will continue to be at once parochial and pan-Arab. Moreover, Nationalism and its variety of Arabism is likely to remain for some time to come a *competitive* concept, most probably until one or other of the present military ruling groups in the Arab countries succeeds in imposing its hegemony over the entire community of Arab states. For the same reason, Arab Unity, another aspect of Arabism, also remains problematic.

If Arabism, for example, includes among its fundamental beliefs the granting of a universal franchise and the establishment of some form of proper representation, present-day army rulers must make token concessions in this direction. The claim to representative authority becomes just as contentious among competing military regimes as that for Arab leadership. Thus, in 1959, the announcement by General Abdel Karim Kassem of his intention to restore party politics in Iraq in January 1960, prompted President Nasser of the U.A.R. in the summer of 1959 to advance the date of the general elections for the National Union from November to July 1959.

Arabism may be a belief with great social power, but when it is advocated by different leaders, expressing opposing interests, its political potency is dissipated. The majority of Arabs today may well subscribe to Arabism, including Arab Unity, but they are by no means agreed on its leadership. At one time, many of them were prepared to accept the leadership of the Sherif Husein of Mecca and his Hashemite family concentrated in the Fertile Crescent lands; and this obtained until the outbreak of the Second World War. Later in the 1940s, however, the leadership gradually shifted to Egypt and its non-Arab Muhammad Ali dynasty. Until 1950, this leadership was shared by ruling monarchs and conservative politicians elsewhere in the Arab World. The failure to safeguard and promote the Arab position in Palestine not only discredited this leadership but indirectly brought about its downfall, and members of the army officer corps emerged as the "revolutionary" leaders of Arabism.

But one must observe carefully the process and pattern of elimination in the multiplicity of Arabist leadership from 1950 to the present. Soon after the Palestine War of 1948–49, for example, some of the earliest advocates of Arab Unity, the late King Abdullah of Jordan, the Wafd Party and King Farouq of Egypt, and the old Nationalists in Syria, were eliminated. Between 1952 and 1958 the government established in Egypt by the Free Officers Movement was easily identified by the Arab public as the leader of Arabism, not only because these Officers purported to erect a "revolutionary regime" against the discredited old order, but more so because their regime became the main target of attack from Israel and the West, two of the most popularly accepted common enemies of Arabism. Syria, on the other hand, could no longer claim the leadership of Arabism after its union with Egypt in February 1958. The emergence of the Iraq Free Officers regime in July 1958 revived Iraqi claims to that leadership, claims which had been in abeyance under Nuri Said between 1955 and 1958. The effect of this development in Arab politics generally has been greater than most students of Arab Nationalism are willing to admit: it has reintroduced into the competition for the leadership of Arabism perhaps such lesser candidates as King Husein of Jordan and King Saud of Saudi Arabia.

Now that the Egyptian-controlled military regime in the U.A.R. has espoused Arabism, in addition to Egyptianism and Afro-Asianism, as a tenet of its revolutionary philosophy, it must translate this goal into policy. It is for the present at least an articulated interest of the Nasser-led military regime; but whether the average Egyptian accepts the achievement of the goals of Arabism as a political task of the collective Arab political community is not so clear, though he would probably not disdain or reject the realization of the program of Arabism under Egyptian leadership. There is, however, no indication that he is prepared to make sacrifices for this cause.

The military regime in Cairo has no problems in Egyptianizing its people or in spreading nationalistic ideas. It may, however, find it a more exacting task to Arabize them in terms of the concept of Arabism we have used here. To make the Syrian citizens of the U.A.R. Arab Nationalists may prove a comparatively easier task than that of tackling a national community, which has been Egyptian for almost seven millennia. That task may require either the replacement of the Egyptian folk and national sentiment and identity by Arabism, or the forceful superimposition of the latter, and although the military governors can recognize the political and strategic value of Arabism, it does not appear as vitally important or attractive to the Egyptian masses. The cogency or urgency of Arabism, both as a defensive and offensive weapon in the hands of the Egyptian State and its power elite, is not so widely understood or appreciated by the Egyptian masses. Arabism, after all, implies an *internationalism* among the Arabs at least, for which the Egyptian traditionally has lacked sympathy. The "*bilad barra*," or "the countries outside," concept in the mind of the average Egyptian applies to the other Arab countries outside Egypt, as much as it does to far away places. One obvious way of popularizing Arabism to the Egyptian masses would be to link it to Islam. Yet to list all the identification tags the military regime has tried to issue to Egyptian and other citizens of the U.A.R. is to indicate that the regime's program for Arab Nationalism and Arabism is less than realistic. If an Egyptian is asked to share in Egyptianism, Arabism, and Afro-Asianism, one wonders whether he does not really prefer to settle for what comes naturally: namely, being an Egyptian. This he always was. Although the ordinary Egyptian and his ancestors have spoken Arabic for almost thirteen centuries, he was never really aware of an Arab Nation in the modern sense of the term; but he was always aware, perhaps vaguely, of a Muslim Community and, possibly, of a Muslim Nation. Indeed, the rise, spread and conquests of Islam extended abroad the language of the earliest Muslim elite: Arabic. This Arabic-speaking elite was and remained a minority that was soon overthrown politically by a conglomeration of non-Arab Muslims.

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[17] Thus, an Arab anywhere in Morocco, Saudi Arabia, or Iraq has no difficulty in accepting Arabism readily if it is equated or linked with Islam. It is not at all certain, however, that he would accept it enthusiastically if it were couched in terms of U.A.R.-led and interpreted Arabism, or Saudi Arabian- inspired Arabism.

There are today many Arabic-speaking sovereign states, but the Arab Nation has yet to emerge. All that exists even today is a vague feeling of Islamic community. The issue is whether the "modernizing" military rulers of the Arab countries concerned should strengthen this feeling in order to create an Arab nation or *the* Arab Nation, or whether they should discourage it. Islam without Arabism has been and is possible. Can there be Arabism without Islam? To resolve this issue is no mean political task for any ruling institution, even an army-controlled one.

CONSTITUTIONAL LAW IN 1959–1960

DAVID FELLMAN
University of Wisconsin

The personnel of the Supreme Court remained unchanged during the 1959 Term. From the point of view of the decisions rendered in the public law field, this was an undistinguished Term. Few of the constitutional cases are likely to hold an important place among the precedents, and a considerable number of well-argued decisions turned entirely upon private law questions. But there was no dearth of writing, during the period under review, about the Court as an institution and about the Justices who sit there.[1]

Note may be made at this point of the latest chapter in the long dispute over the so-called tidelands. In 1947 the Supreme Court had ruled that, as against the claims of California, the United States possessed paramount rights in lands underlying the Pacific Ocean seaward from the low-water mark.[2] Similar rulings were made in 1950 as regards the claims of Louisiana and Texas in the Gulf of Mexico.[3] But with the enactment in 1953 of the Submerged Lands Act,[4] the United States relinquished to the coastal states all of its rights in all lands beneath navigable waters within the three-mile limit, and in excess of that limit within state boundaries as they existed at the time a state became a member of the Union, or as theretofore approved by Congress. The limit of the grant was three leagues (about ten and one-half miles) in the Gulf of Mexico and three geographical miles in the Atlantic and Pacific. The actual extent of the claims of the coastal states involved in the question was therefore left to be settled by litigation. In 1960, in an original action brought by the government, the Court ruled that for the purposes of the 1953 statute the maritime boundary of Texas was three leagues from the coast, and as to Louisiana, Mississippi and Alabama, three geographical miles.[5] These decisions were based upon a large body of historical evidence.

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[1] On the Court as an institution see: John R. Schmidhauser, *The Supreme Court: Its Politics, Personalities and Procedures* (New York, 1960); Wallace Mendelson, *Capitalism, Democracy, and the Supreme Court* (New York, 1960); Robert G. McCloskey, *The American Supreme Court* (Chicago, 1960); Dorothy C. Tompkins, *The Supreme Court of the United States: A Bibliography* (Berkeley, 1959); William O. Douglas, "The Supreme Court and Its Case Load," *Cornell Law Quarterly*, Vol. 45, pp. 401–414 (Spring, 1960); Henry J. Abraham and Edward M. Goldberg, "A Note on the Appointment of Justices of the Supreme Court of the United States," *American Bar Association Journal*, Vol. 46, pp. 147–150, 219–222 (February, 1960). On the Justices see: Helen Shirley Thomas, *Felix Frankfurter: Scholar on the Bench* (Baltimore, 1960); Harlan B. Phillips, ed., *Felix Frankfurter Reminisces* (New York, 1960); Henry J. Friendly, "Mr. Justice Brandeis: The Quest for Reason," *University of Pennsylvania Law Review*, Vol. 108, pp. 985–999 (May, 1960); Wallace Mendelson, "Mr. Justice Black and the Rule of Law," *Midwest Journal of Political Science*, Vol. 4, pp. 250–266 (August, 1960); S. Sidney Ulmer, "An Empirical Analysis of Selected Aspects of Lawmaking of the United States Supreme Court," *Journal of Public Law*, Vol. 8, pp. 414–436 (Fall, 1959); Ulmer, "Polar Classification of Supreme Court Justices," *South Carolina Law Quarterly*, Vol. 12, pp. 407–417 (Spring, 1960). For a distinguished contribution to the literature on judicial review see Charles L. Black, Jr., *The People and the Court: Judicial Review in a Democracy* (New York, 1960). On current controversy regarding the Court see: Robert B. McKay, "The Supreme Court and its Lawyer Critics," *Fordham Law Review*, Vol. 28, pp. 615–636 (Winter, 1959–60); Philip B. Kurland, "The Supreme Court and its Judicial Critics," *Utah Law Review*, Vol. 6, pp. 457–466 (Fall, 1959); John P. Frank, "The Historic Role of the Supreme Court," *Kentucky Law Journal*, Vol. 48, pp. 26–47 (Fall, 1959); Harold W. Chase, "The Warren Court and Congress," *Minnesota Law Review*, Vol. 44, pp. 595–637 (March, 1960); Sanford H. Kadish, "A Note on Judicial Activism," *Utah Law Review*, Vol. 6, pp. 467–471 (Fall, 1959). See also: Shelden D. Elliott, *Improving Our Courts* (New York, 1959); Charles P. Curtis, *Law as Large as Life* (New York, 1959); Gottfried Dietze, *The Federalist: A Classic on Federalism and Free Government* (Baltimore, 1960); Thurman Arnold, "Professor Hart's Theology," *Harvard Law Review*, Vol. 73, pp. 1298–1317 (May, 1960); J. A. C. Grant, "Our Common Law Constitution," *Boston University Law Review*, Vol. 40, pp. 1–56 (Winter, 1960); Chester A. Newland, "The Supreme Court and Legal Writing: Learned Journals as Vehicles of an Anti-Trust Lobby?" *Georgetown Law Journal*, Vol. 48, pp. 105–143 (Fall, 1959); Leonard B. Boudin, "Involuntary Loss of American Nationality," *Harvard Law Review*, Vol. 73, pp. 1510–1531 (June, 1960); Arthur S. Miller and Ronald F. Howell, "The Myth of Neutrality in Constitutional Adjudication," *University of Chicago Law Review*, Vol. 27, pp. 661–695 (Summer, 1960).

[2] United States v. California, 332 U. S. 19 (1947).

[3] United States v. Louisiana, 339 U. S. 699 (1950); United States v. Texas, 339 U. S. 707 (1950).

[4] This statute was held constitutional in Alabama v. Texas, 347 U. S. 272 (1954).

The Court disposed of 1787 cases with finality during the 1959 Term. There were 356 cases on the dockets at the end of the Term, as compared with 281 the previous year. Only 245 cases were disposed of on the merits, of which 115 were with full opinion. There were 105 opinions of the Court, of which 9 were *per curiam*. Of the full opinions, 24 (or 23 percent) were agreed to by a unanimous Court, whereas the Justices were divided in 81 (or 77 percent). They were unanimous in 105 memorandum orders disposing of cases on the merits (85 percent), and dissent was registered in 19 (15 percent). As always, the discrepancy between the number of opinions and the number of cases arose from the fact that in several instances two or more cases were dealt with in a single opinion. In the full opinion cases, 99 dissenting and 26 concurring opinions were filed.

The Court granted certiorari in 122 cases (or 15.9 per cent of all petitions) on the appellate docket, and in 55 on the miscellaneous docket, which amounted to 7.5 per cent of all petitions. The percentages the previous year were 15.3 and 3.2.

Of all cases decided on the merits, only one came up from the federal district courts by certiorari, and 37 got to the Supreme Court on appeal, of which 20 were affirmed. Four cases came up from the courts of appeal by appeal, and 104 by certiorari. Of the 72 cases that came up from the state courts by appeal, 63 were dismissed, and of the 23 certiorari cases, only two were affirmed.

Justice Clark wrote 16 opinions of the Court; Justice Brennan wrote 12; Chief Justice Warren and Justices Black, Douglas and Stewart wrote 11 each; Justice Harlan wrote 10; and Justices Frankfurter and Whittaker 7 each. Justice Harlan filed 25 dissenting opinions, Justice Whittaker 16, Justice Frankfurter 15, Justice Douglas 14, Justices Black and Brennan 8 each, Justice Clark 6, Chief Justice Warren 4, and Justice Stewart 3. Justice Frankfurter led the Court with 8 concurring opinions, whereas Justice Clark wrote none, and Chief Justice Warren and Justice Black only one each.

I. QUESTIONS OF NATIONAL POWER

1. *Federal Rights*

Substantive Due Process. Section 202(n) of the Social Security Act provides for the termination of old-age, survivor and disability insurance benefits payable to an alien after September 1, 1954 (when the Section was enacted), who has been deported under §241(a) of the Immigration and Nationality Act on any of the grounds specified in §202(n). Nestor, an alien who immigrated from Bulgaria in 1913, became eligible for old-age benefits in November, 1955. He was deported in July, 1956, for having been a member of the Communist Party from 1933 to 1939. The District Court of the District of Columbia ruled that Nestor had been deprived of an accrued property right in violation of Fifth Amendment due process. Dividing 5–4, the Supreme Court reversed.[6] Speaking for the Court, Justice Harlan argued, first of all, that rights under the Social Security Act were not accrued property rights, since benefits are not dependent upon each individual's contribution to the fund and the employee has non-contractual interests unlike those of the holders of annuities. Describing the statute as a very complex and interrelated scheme, Justice Harlan asserted that to engraft upon the statute the concept of accrued property rights "would deprive it of the flexibility and boldness in adjustment to ever-changing conditions which it demands." Thus he drew attention to the fact that there is in the statute a clause in which Congress reserved the right "to alter, amend, or repeal any provision" of the act.

Justice Harlan conceded that Congress is not free to exercise its power to modify the statutory scheme free of all constitutional restraint, since the employee's interest is of sufficient substance to fall within the due process protection from arbitrary governmental action. But since Congress is the judge of the wisdom of its statutes, the Court can interfere only if the statute "manifests a patently arbitrary classification, utterly lacking in rational justification." In this instance, the Court majority concluded that the beneficiary's permanent residence abroad obviously has relevance to the question of eligibility. For example, one benefit of the act is increased over-all national purchasing power, an advantage which would be lost in making payments to one residing abroad. It was not irrational, said Justice Harlan, for Congress to believe that the public purse should not be utilized to contribute to the support of those who have been deported on the grounds specified in the statute.

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[5] United States v. States of Louisiana, Texas, Mississippi, Alabama and Florida, 363 U. S. 1 (1960).

[6] Flemming v. Nestor, 363 U. S. 603 (1960). See Note, *Harvard Law Review*, Vol. 73, pp. 590–593 (January, 1960); Siegfried Hesse, "The Constitutional Status of the Lawfully Admitted Permanent Resident Alien: The Inherent Limits of the Power to Expel," *Yale Law Journal*, Vol. 69, pp. 262–297 (December, 1959); Robert J. Frye, "Deportation of Aliens: An Exercise in Judicial Restraint," *Alabama Law Review*, Vol. 12, pp. 324–340 (Spring, 1960).

Finally, Justice Harlan ruled that the alien had not been subjected to punishment without judicial trial as guaranteed by the Constitution, since termination of social security benefits is not punishment in the constitutional sense. Reviewing the precedents dealing with the subject of bills of attainder, he argued that the test of the cases is whether the legislature had a punitive intent to reach individual persons rather than a calling; that is to say, whether the legislative concern was with the activity or status from which the individual is barred, in which case there is no punishment even if the action bears harshly on the person or class of persons disqualified, or whether the statute is evidently aimed at the person or class of persons disqualified.[7] Justice Harlan noted that it was well established that deportation is not punishment, and that there was no punitive design in this case, since the sanction is "the mere denial of a non-contractual governmental benefit."

The four dissenting Justices agreed that the statute imposed punishment in violation of both the bill of attainder and *ex post factor* prohibitions of the Constitution. Justice Black insisted that the social security payment is not a handout, or charity or relief, but an earned right based on the individual's contributions. People who pay premiums for insurance, he pointed out, usually think they are paying for insurance, and not for "flexibility and boldness." Justice Douglas argued that cutting off a man's accrued property rights was punishment in the classic sense of the term. And in a third dissenting opinion Justice Brennan maintained that the Court had made the presumption of constitutionality a complete substitute for any supportable finding of a rational connection between the statute and the social security program. He also pointed out that all other persons residing abroad, except for this single class of disqualified persons, were eligible to take their benefits under the act.

Procedural Due Process. When Gonzales, a Jehovah's Witness, registered in 1952 under the Universal Military Training and Service Act, he claimed he did one hundred hours of preaching per month. When his case was reopened in 1956, he claimed he devoted only six and one-half hours a month to preaching and from twenty to twenty-five hours per month to other activities. Accordingly, the Department of Justice overruled the hearing officer and classified him as I-A, and the Appeal Board unanimously upheld the Department's recommendation. Dividing 5–4, the Supreme Court rejected the claim that due process had been violated.[8] First, the Court held that the fact that Gonzales had not been permitted to rebut before the hearing officer of the Department of Justice a statement attributed to him by the local board had not been prejudicial because he knew that the statement was in his local board file and had had ample time to rebut it before the hearing officer. In addition, he did contest the statement before the Appeal Board, which considered the point and made the final decision. Secondly, the Court could not find a denial of due process in the fact that he had been denied the right, at the trial, to have the Department of Justice hearing officer's report and the original report of the FBI investigation of his claims. It was noted that no specific procedural errors were alleged, no evidence was withheld, and Gonzales was unable to show that any evidence favorable to him might have been found in the FBI reports. In addition, it was noted that Gonzales had been given a fair resume of the FBI report during the proceeding before the hearing officer and that he did not claim that it was inaccurate. Speaking for the four dissenters, Chief Justice Warren maintained that Gonzales had not been given a full and fair hearing since he had never been given a real opportunity to persuade the Department or the selective service officer face-to-face that he had not lied to the local board. His chance to respond orally to the charge passed before the accusation was made that he had lied to the local board, and the rebuttal before the Appeal Board was written, not oral, and this is not sufficient since the issue was one of credibility. The Chief Justice stressed the fact that the statute requires the Department to hold a hearing, and a "guessing contest" does not suffice. He thought the Department should have taken the initiative in telling Gonzales what he had to refute, rather than to leave it to an uncounseled young man to search the file himself.

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[7] The Court thought this was the teaching of such cases as Cummings v. Missouri, 4 Wall. 277 (1867) and Ex parte Garland, 4 Wall. 333 (1867).

[8] Gonzales v. United States, 364 U. S. 59 (1960).

Voting and the Civil Rights Act of 1957. The Civil Rights Act of 1957, which was designed to give further protection to the Negro's right to vote, was the subject of considerable litigation during the Term under review. In one case, the United States brought a proceeding against the Board of Registrars of Macon County, Alabama, for declaratory and injunctive relief, alleging a course of racially discriminatory practices. Later the government amended its complaint to join the State of Alabama as a party defendant. The federal district court dismissed the complaint as to all defendants since the members of the Board had resigned and were not suable in their official capacities and the Civil Rights Act of 1957 did not authorize action against a state. A unanimous Supreme Court reversed, since just before the case was argued, Congress enacted the Civil Rights Act of 1960, which expressly authorized actions such as this one to be brought against a state.[9] The Court held that the case must be decided on the basis of the law now controlling.

A second appeal involved an action in a federal district court against the members of the Board of Registrars of Terrell County, Georgia, which charged discrimination on racial grounds against Negroes who desired to vote in elections conducted in the state. The district court dismissed the complaint, holding that the section of the Civil Rights Act of 1957 under which the action was brought was unconstitutional, on the ground that the statutory language allowed the United States to enjoin purely private action. On this point it thought the famous Reconstruction precedent, *United States* v. *Reese*,[10] was controlling. By unanimous vote, the Supreme Court reversed, Justice Brennan pointing out that the district court had decided needlessly an issue not before it, since the conduct described in the complaint, discrimination by state officials within the course of their official duties, was certainly state action in its clearest form within the ban of the Fifteenth Amendment.[11] Judicial review rests on the premise that the courts will only decide cases properly before them, and they should never anticipate a question of constitutional law in advance of the necessity of deciding it, nor should they formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied.

The defendants in this case advanced the ingenious argument that since the discrimination in question was also violative of state law, and the aggrieved party had not pursued his remedies in the state courts, so that the ultimate voice of the state had not spoken, it therefore followed that the action of the board could not be regarded as state action. Justice Brennan pointed out, however, that it is now well-established as a fundamental proposition "that every state official, high and low, is bound by the Fourteenth and Fifteenth Amendments," and that it is now clear that Congress has the power to provide for corrections of the constitutional violations of all such officials without regard to the presence of other authority in the state that might possibly revise their actions. Finally the Court rejected the argument that it was beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights, since "there is the highest public interest in the due observance of all the constitutional guarantees. . . . We think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief."[12]

Finally, in *Hannah* v. *Larche*[13] the Supreme Court upheld the validity of certain rules of procedure adopted by the new Commission on Civil Rights for the conduct of its hearings. One of the challenged rules provided that neither the identity of persons submitting complaints to the Commission nor their contents need be disclosed. Another denied to persons summoned to testify, including persons against whom complaints had been filed, the right to cross-examine other witnesses called by the Commission. On the basis of legislative history the Court ruled that the Commission had been authorized by Congress to adopt these procedures, thus setting aside the only ruling of the court below. In addition, the Court could find in these procedures no violation of due process. It stressed that the functions of the Commission were purely investigative and fact-finding, that it had no power to adjudicate or determine any civil or criminal liability, or to "indict, punish, or impose any legal sanctions." All it can do is find facts which may be used as a basis for later legislative or executive action. In this sort of situation, Chief Justice Warren declared, the rights of apprisal, confrontation and cross-examination are not constitutionally required. He said that it would disrupt the investigative process if investigative hearings were transformed into trial-like proceedings. Justices Douglas and Black dissented, arguing that however important the right to vote may be, we should not sacrifice other rights in order to protect it. They objected to the fact that the Commission could hold secret hearings, and to the absence of charges and of a chance to cross-examine witnesses. They thought that since the investigations were aimed at determining whether a criminal law had been violated, the claimed procedural rights were essential for a full and fair hearing.

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[9] United States v. Alabama, 362 U. S. 602 (1960). See Ira M. Heyman, "Federal Remedies for Voteless Negroes," *California Law Review*, Vol. 48, pp. 190–215 (May, 1960); Note, "The Civil Rights Act of 1960," *Virginia Law Review*, Vol. 46, pp. 945–975 (June, 1960).

[10] 92 U. S. 214 (1876).

[11] United States v. Raines, 362 U. S. 17 (1960).

[12] The same result was reached in a companion case, United States v. Thomas, 362 U. S. 58 (1960), which came up from the federal district court for the eastern district of Louisiana, and which was disposed of in a brief *per curiam* memorandum opinion.

[13] 363 U. S. 420 (1960). See James P. Holden, "The Right to Confrontation," *Georgetown Law Journal*, Vol. 48, pp. 576–593 (Spring, 1960); Daniel H. Pollitt, "The Right of Confrontation," *Journal of Public Law*, Vol. 8, pp. 381–413 (Fall, 1959).

Courts-Martial and Due Process. In 1957, the Supreme Court ruled that so far as capital offenses were concerned, Article 2(11) of the Uniform Code of Military Justice was unconstitutional in conferring upon courts-martial jurisdiction over the wives of American soldiers who accompanied them to places outside the United States.[14] In 1960, the Court ruled that the jurisdictional statute was equally unconstitutional where noncapital offenses are involved.[15] The government relied upon the grant of power to Congress, in Article I, Section 8, clause 14 of the Constitution "To make Rules for the Government and Regulation of the land and naval Forces." The historical test for the jurisdiction of courts-martial, said Justice Clark, is one of status, that is, whether the accused falls within the "unambiguous" phrase "land and naval Forces," and does not depend upon the nature of the offense. Furthermore, the Court majority was not convinced of the soundness of the plea that rejection of the government's position would have a critical impact upon discipline in the armed forces since only a small number of cases, spread all over the world, are involved. To permit court-martial trial of noncapital cases, Justice Clark noted, would put in military hands an unreviewable discretion to exercise jurisdiction over civilian dependents simply by down-grading the offense, thus nullifying the earlier decision of the Court relating to capital cases. It followed that since the defendant was protected by the specific guarantees of Article III and the Fifth and Sixth Amendments, conviction by a court-martial was not constitutionally permissible.

In a companion case[16] the Court held that the rule it fashioned in 1957 as regards capital cases applied to civilian employees of the armed forces as well as to civilian dependents. A third case involved a civilian employee at the Air Force base near Casablanca who had been convicted by a court-martial of larceny from the supply house at the depot, and a civilian auditor employed by the Army and stationed in Berlin who had been convicted by a court-martial on a plea of guilty of the crime of sodomy.[17] The Court conceded that there were some materials supporting prosecution of sutlers and other civilians by courts-martial, but described them as too episodic and meager to form a solid basis in history before and contemporaneous with the Constitution. Justice Clark also stressed that there were alternative types of procedure available to the government in the prosecution of civilian employees of the armed services, such as the signing of advance pledges to submit to military discipline, or incorporation of civilian employees directly into the armed forces, or the creation of a system of voluntary enlistment of "specialists."

The Justices were badly divided in these cases. Justices Harlan and Frankfurter thought the jurisdictional statute was valid for noncapital cases, arguing that the Court should have and has recognized differences between capital and noncapital cases as, for example, in those dealing with the right to counsel. Justices Whittaker and Stewart thought that the Court's decision was proper as regards civilian dependents, but wrong as far as civilian employees were concerned. They saw a marked difference between them, since civilian employees are engaged in purely military work, performing essential military services subject to military control and orders, and sharing in many ways in the facilities and amenities of the military establishments to which they are attached.

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[14] Reid v. Covert, 354 U. S. 1 (1957). See this REVIEW, Vol. 52, pp. 159–161 (March, 1958).

[15] Kinsella v. United States *ex rel.* Singleton, 361 U. S. 234 (1960). See Robinson O. Everett, "Military Jurisdiction over Civilians," *Duke Law Journal*, Vol. 1960, pp. 366–415 (Summer, 1960); Robert D. Duke and Howard S. Vogel, "The Constitution and the Standing Army: Another Problem of Court-Martial Jurisdiction," *Vanderbilt Law Review*, Vol. 13, pp. 435–460 (March, 1960).

[16] Grisham v. Hagan, 361 U. S. 278 (1960).

[17] McElroy v. United States *ex rel.* Guagliardo, 361 U. S. 281 (1960).

Arrest without Warrant. Under §3052 of the U. S. Criminal Code, the statutory authority of FBI agents to make felony arrests without warrant is limited to offenses committed "in their presence" or to instances where they have "reasonable grounds to believe that the person to be arrested has committed or is committing" a felony. The statute follows the constitutional standard, for it is the command of the Fourth Amendment that no warrants for either searches or arrests shall issue except "upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." In *Henry* v. *United States,*[18] which involved an arrest in an automobile of one suspected of theft from an interstate shipment of whiskey, the Court held that common rumor or report or mere suspicion, or even "strong reason to suspect," were not adequate to support an arrest. While evidence required to establish guilt is not necessary, on the other hand, good faith on the part of the arresting officer is not enough. Said Justice Douglas: "Probable cause exists if the facts and circumstances known to the officer warrant a prudent man in believing that the offense has been committed." And he stressed the importance of enforcing this requirement strictly since the constitutional standard protects both the officer and the citizen. While a search without a warrant is permissible, within limits, if incidental to a lawful arrest, an arrest without a warrant, if it is to support an incidental search, cannot be made without probable cause. Nor is an arrest justified by what the subsequent search discloses. Finally, the Court recognized that while the *Carroll* decision[19] liberalized the search rule for moving vehicles, it noted that it did not dispense with the need for probable cause.

Grand Jury Indictment. It is fatal error to convict a defendant on a charge the grand jury never made. This was the teaching of *Stirone* v. *United States,*[20] which involved a conviction for unlawful interference with interstate commerce in violation of the Hobbs Act. The charge was that Stirone had interfered through extortion with the movement of sand from outside Pennsylvania to a plant in that state which made concrete. At the trial, and over objection, the district court permitted testimony on the effect of Stirone's practices insofar as they interfered with steel shipments from a plant in Pennsylvania to which the cement company sold its products. By unanimous vote the Court ruled that after an indictment has been returned, its charges may not be broadened except by the grand jury itself, and that the new charge in this case was neither trivial nor innocuous. Thus, the variation between the pleading and the proofs destroyed the defendant's substantial right to be tried only on charges presented in an indictment returned by the grand jury. The deprivation of such a basic right is far too serious to be treated merely as harmless error.

Public Trial. Levine refused on grounds of self-incrimination to answer six questions put to him by a federal grand jury investigating violations of the Interstate Commerce Act. He was taken to the federal district court, the judge cleared the courtroom, the grand jury proceedings were read, and the judge directed Levine to answer the questions, telling him that the statute gave him immunity. For refusing to reply, Levine was held in contempt under Rule 42(a), which permits summary punishment for contempts committed in the presence of the court. At this time, Levine, his lawyer, the prosecutor, the grand jury and the court reporter were in the courtroom. While Levine's lawyer claimed that the statute did not give immunity, and that his client was entitled to a regular trial under Rule 42(b), no reference was then made to the exclusion of the general public from the proceedings. Dividing 5–4, the Supreme Court affirmed the conviction for contempt.[21] Pointing out that it was not error for the judge to clear the courtroom initially because the secrecy of grand jury proceedings is enjoined by statute, Justice Frankfurter declared that it was not error, once this had happened, not to invite the general public back into the room before summary conviction for contempt. He ruled that the Sixth Amendment guaranty of public trials did not apply to this situation because criminal contempt proceedings are not "criminal prosecutions" within the meaning of that Amendment. Since, therefore, Levine's claim rests on due process, the decision must turn on the particular circumstances of the case, and not upon some abstract and absolute right to a public trial. Here, he noted, the grand jury, the defendant and his lawyer were in the courtroom, Levine never objected to the continuing so-called "secrecy" and did not request the judge to open the courtroom; and since grand jury proceedings are secret, contempt committed through refusal to answer questions there does not occur in a public proceeding. There would have been a different case, said Justice Frankfurter, if Levine had requested and the judge had refused to open the courtroom to the public before the final stage of the proceedings. At no point did the judge have any imperative duty to interrupt the proceedings on his own motion and establish a conventional public trial. In effect, Justice Frankfurter declared, Levine raised an abstract claim only as an afterthought on appeal. The dissenting justices regarded this as a secret trial, abhorrent to a liberty-loving people, and that it must be assumed that anyone convicted in a secret trial has been hurt thereby. They could not find in these facts any intelligent and express waiver of the fundamental constitutional right to a public trial.

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[18] 361 U. S. 98 (1959).

[19] Carroll v. United States, 267 U. S. 132 (1925).

[20] 361 U. S. 212 (1960).

[21] Levine v. United States, 362 U. S. 610 (1960). That the court could act summarily in this sort of case was decided in Brown v. United States, 359 U. S. 41 (1959). See Note, "Origins of the Public Trial," *Indiana Law Journal,* Vol. 35, pp. 251–258 (Winter, 1960).

Double Jeopardy. Forman and a former partner in the pinball business were convicted of conspiracy to commit the offense of wilfully attempting to evade the income tax. The trial was held prior to the decision of the Supreme Court in the *Grunewald* case,[22] on the basis of which the court of appeals held that the district judge had given improper instructions to the jury, and reversed the conviction, remanding the case with instructions to the district judge to enter a judgment of acquittal. On the rehearing, however, the court of appeals decided that the case might have been tried on an alternative theory, and thus modified its original order and ordered a new trial. The Supreme Court held unanimously that this procedure did not violate the rule against double jeopardy.[23] "It is elementary in our law," Justice Clark wrote, "that a person can be tried a second time for an offense when his prior conviction for that same offense has been set aside by his appeal." A new trial was one of the defendant's remedies, and when he opened up the case by appealing his conviction, he subjected himself to the power of the appellate court to direct such "appropriate" order as it thought "just under the circumstances." The original decision of the Court of Appeals, said Justice Clark, was entirely interlocutory, and no mandate had ever been issued thereon; since it never became final, it was subject to further action on rehearing.

The federal government's present policy with regard to multiple prosecutions, though not under present holdings of the Court dictated by the requirements of the Constitution, was explored with gratifying results in *Petite* v. *United States*.[24] Petite had been indicted in a federal district court for conspiring to make false statements at a federal deportation hearing, and separately for suborning perjury at such a hearing. When put to trial on both charges, Petite pleaded *nolo contendere* to the conspiracy charge and the government dismissed the subornation indictment. He was fined $500 and served two months in jail. There had been hearings at Philadelphia and Baltimore, but his conviction involved only the Philadelphia hearing. Later he was indicted in Maryland for suborning the perjury of two witnesses at the Baltimore hearing, witnesses whose testimony had been relied upon in the Pennsylvania proceeding. Petite moved to dismiss the indictment on double jeopardy grounds, but the district court denied the motion, and he was convicted. Following affirmance by the court of appeals, the Supreme Court granted certiorari, specifying double jeopardy as the sole issue. At this point the government filed a motion for an order to vacate the judgment below and to remand to the district court with directions to dismiss the indictment, on the ground that it is the general policy of the federal government that several offenses arising out of a single transaction should be alleged and tried together, and should not be made the basis of multiple prosecutions, a policy dictated by principles of fairness to defendants and of orderly law enforcement. A unanimous Supreme Court remanded the case to the court of appeals with instructions to vacate its judgment and dismiss the indictment. This, the Court declared, it is clearly empowered to do in the interest of justice. With due regard for the settled rule that the Court will not anticipate a question of constitutional law in advance of the necessity of deciding it, it expressed no opinion on the double jeopardy issue. Concurring separately, Chief Justice Warren thought that the Court should go further and say that the case ought to be disposed of on the merits by holding that the government's request to dismiss was reasonable. Speaking for three other members of the Court, Justice Brennan in a separate concurring opinion maintained that the Court ought to say flatly that the Double Jeopardy Clause was an insurmountable barrier to the second prosecution.

Habeas Corpus. One Parker was convicted in a Texas court of a felony and sentenced. Claiming that he had been denied due process, he sued for habeas corpus in a federal district court, which, after hearing, denied his petition, and the court of appeals affirmed. The Supreme Court gave leave to proceed *in forma pauperis* and granted a motion for assigned counsel. Before the case could be heard by the Court, however, Parker was released from the state prison, after serving his full sentence with time off for good behavior. On these facts, a bare majority of the Justices ruled that the case had become moot, and, therefore, the Court was without jurisdiction to deal with the merits of the petitioner's claim.[25] The only purpose of habeas corpus is to inquire into the legality of a detention, and the only judicial relief authorized is discharge or admission to bail. Without restraint of liberty, the writ will not issue. The four dissenting Justices emphasized that there had been at the trial a flagrant disregard of the constitutional right to the assistance of counsel, and that conviction of a felony imposes a status upon a person which makes him vulnerable to future sanctions through new civil disability statutes. The Chief Justice also noted that a conviction seriously affects one's reputation and economic opportunities. Thus he argued that there was an important public interest in declaring the invalidity of a conviction obtained in violation of the Constitution. Habeas corpus, he noted, is an expanding concept, and the statute gives federal courts very broad authority to "dispose of the matter as law and justice require." In a separate dissenting opinion Justice Douglas pointed out that the unconstitutional judgment against Parker had a continuing effect, since under Texas law that disqualified him from voting. In reply to this argument, Justice Harlan noted in a concurring opinion that since the petitioner had outstanding against him felony convictions in a number of other states, any one of them had the same consequences with respect to his exercise of civil rights in Texas. He also maintained that the moral stigma of a judgment which no longer affects legal rights does not present a case or controversy for appellate review.

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[22] Grunewald v. United States, 353 U. S. 391 (1957).

[23] Forman v. United States, 361 U. S. 416 (1960).

[24] 361 U. S. 529 (1960).

Searches and Seizures. While evidence secured through an unlawful search and seizure by federal agents has long been excludable from federal courts on motion, under the "silver platter" doctrine[26] articles obtained as a result of an unreasonable search and seizure by state officers, without involvement of federal officers, could be introduced into evidence against a defendant over his timely objection in a federal criminal trial. In a pair of cases in which the Court divided 5–4, this doctrine was reexamined and rejected.[27] Justice Stewart argued that while *Wolf* v. *Colorado*[28] held that Fourteenth Amendment due process does not require state courts to adopt the exclusionary rule regarding evidence illegally seized by state agents, the Court by unanimous vote unequivocally ruled in that case that due process prohibits unreasonable searches and seizures by state officers. This, he declared, removed the underpinning for the admissibility rule as to state-seized evidence being used in a federal court. He could see no logical distinction between evidence obtained in violation of the Fourth Amendment and evidence secured in violation of the Fourteenth, nor did he think it matters to the victim whether his constitutional right has been invaded by a federal agent or by a state officer. While the Court recognized the general need for untrammeled disclosure of competent and relevant evidence in a court of justice, Justice Stewart maintained that several considerations outweigh it. The exclusionary rule is calculated to compel respect for the constitutional guaranty against unreasonable searches and seizures, and is the only effective weapon available for this purpose since it removes the incentive to disregard it. The federal courts have operated under the exclusionary rule, first decreed in the *Weeks* case,[29] for a half century, and it has never been suggested that it has rendered the FBI ineffective or disrupted the administration of justice in federal courts. About half the states have adopted the exclusionary rule themselves, and the movement is inexorably in that direction. Considerations of a healthy federalism are involved, since a federal court frustrates state policy, and in a particularly inappropriate and ironical form, when it admits evidence lawlessly seized by state agents. The "silver platter" doctrine discourages free and open cooperation between state and federal officers. Finally, there is "the imperative of judicial integrity," according to which federal courts should not be accomplices in the wilful disobedience of a Constitution they are sworn to uphold.

In his dissenting opinion, Justice Frankfurter noted that both Holmes and Brandeis favored the "silver platter" doctrine, and stressed that the general rule, "responding to the deepest needs of society," is that society is entitled to every one's evidence, exceptions to which can be allowed only where there is a public good which transcends the normally predominant principle of utilizing all rational means for ascertaining truth. He could find no warrant for federal courts assuming the same supervisory control over state officials which they have assumed over federal officers, and could discover no inexorable movement in the states towards the exclusionary rule. He objected that the Court's decision introduces into federal prosecutions a troublesome and uncertain new criterion, the "unconstitutionality" of police conduct, as distinguished from its mere illegality, and creates undesirable conflict with state policies which seek to protect the individual from unlawful police conduct. Justice Frankfurter, however, indicated that he would apply the exclusionary rule in the federal court if the evidence were illegal and excludable under state law in the state courts, since it is unseemly for a federal court not to respect a determination of a state court that its own officials were guilty of wrong-doing, and he would want to avoid retrial of issues in the federal court and disrupting state authority. Speaking for three members of the minority, however, Justice Harlan did not go along with this limited inroad upon the "silver platter" doctrine, which he would retain intact.

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[25] Parker v. Ellis, 362 U. S. 574 (1960).

[26] Lustig v. United States, 338 U. S. 74 (1949).

[27] Elkins v. United States, 364 U. S. 206 (1960) (conviction for intercepting and divulging telephone communications); Rios v. United States, 364 U. S. 253 (1960) (conviction on a narcotics charge). See Symposium, "The Wiretapping-Eavesdropping Problems: Reflections on *The Eavesdroppers*," *Minnesota Law Review*, Vol. 44, pp. 813–940 (April, 1960); John M. Maguire, *Evidence of Guilt* (Boston, 1960).

[28] 338 U. S. 25 (1949).

[29] Weeks v. United States, 232 U. S. 383 (1914)

Several search and seizure questions were litigated in *Abel* v. *United States*.[30] At issue in a trial for conspiracy to commit espionage was the admissibility into evidence of seven items seized, without a search warrant, by agents of the United States Immigration and Naturalization Service in the course of an administrative arrest as a preliminary to his deportation. After the FBI told them that Abel was suspected of being an alien residing illegally in the country, the INS officers arrested him on an administrative warrant in his New York hotel. Following this arrest, these agents searched his person, his belongings, the room in which he was found, and the adjoining bathroom, without requesting or receiving Abel's consent. FBI agents were also present, but did not make the arrest nor engage in the search. The INS agents testified that they were after evidence relating to Abel's alienage. After the room was vacated by Abel, an FBI agent, with the permission of the hotel management, searched the room and found two additional items. Abel's main contention, that the challenged items of evidence were not admissible because the government had utilized the administrative arrest as a mere subterfuge, was rejected by a 5–4 vote of the Court.

Speaking for the majority, Justice Frankfurter declared that it would be serious misconduct for the government deliberately to use an administrative warrant for the purpose of gathering evidence in a criminal case. But he noted that the two courts below had canvassed the factual issues thoroughly, and had found that the INS agents had acted in good faith, and that it was customary for INS and FBI agents, who, after all, operate in the same department under the common authority of the Attorney General, to cooperate. If the FBI has reason to believe that someone is a deportable alien, it is not required to remain mute merely because it also believes that he committed a very grave crime. Furthermore, Justice Frankfurter ruled that the administrative arrest did not bar the FBI from continuing its own investigation in the hope of finding evidence of espionage.

There is no doubt, the majority ruled, of the constitutionality of an administrative arrest, which is sanctioned by history and law, and search following an administrative arrest is as proper and as extensive as after arrest for a crime. The need to protect the arresting officer, prevent escape, and preserve evidence is the same, and thus the scope of search is the same as in the case of a criminal arrest. As for the argument that an administrative arrest on warrant is without the authority of a judge, it was noted that this is equally true of a criminal arrest on probable cause without a warrant. It was concluded that governmental officers who effect a deportation arrest administratively have the same right of incidental search that is permitted to criminal law enforcement officers. Under prevailing doctrine, search of the hotel room, seizure of articles the arrested man was trying to conceal on his person, and search of seized property at headquarters were all lawful. The fact that the arresting officer was looking for evidence relating to deportation does not prevent him from seizing evidence relating to espionage, "since it would be entirely without reason" to say that he must return the evidence merely because it was not his business to look for it. The search of the hotel room after it was vacated, though without a warrant, was lawful since it was made to find evidence of crime, the room had been vacated, and the hotel management freely gave its consent. There is nothing wrong in appropriating abandoned property.

In his dissenting opinion, Justice Douglas took the position that the FBI had been the moving force behind this arrest and search, and had in effect used an administrative warrant to make an arrest for a criminal investigation in violation of both the immigration statute and the Bill of Rights. The issue, he insisted, was not good or bad faith, but "how far zeal may be permitted to carry officials bent on law enforcement" in violation of the Fourth Amendment. Justice Brennan declared in his dissent that aliens have the same rights as all others under the Fourth Amendment, and that the search had gone beyond what was reasonably related to the mechanics of the arrest itself. He did not want to engage in fruitless litigation into the purity of official motives, for he insisted that the point is that the Fourth Amendment was not designed merely to protect criminals. It protects everyone; it protects the individual's interest in privacy and does not fluctuate with the intent of the officers.

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[30] 362 U. S. 217 (1960).

An interesting problem as to the standing of the defendant to raise the issue of probable cause for a search warrant was presented in *Jones* v. *United States*.[31] Jones was prosecuted for violation of the federal narcotics law. The statute permits conviction upon proof of possession of narcotics, and possession was the basis of the government's case. Jones had been arrested in an apartment belonging to someone else by federal narcotics officers who were executing a search warrant which had been issued on the affidavit of a police officer based on knowledge secured from an unnamed informer. Before trial, Jones moved to suppress the evidence, some unstamped narcotics found in an awning just outside a window of the apartment. The government challenged Jones' standing to make this motion on two grounds: first, that he did not allege ownership of the seized articles, and second, that he did not allege an interest in the apartment greater than that of an "invitee or guest." The district court held that since Jones was merely someone else's guest in the apartment, he lacked standing to raise the issue. Rule 41(e) of the Federal Rules of Criminal Procedure permits motions to suppress evidence to be made by "a person aggrieved by an unlawful search and seizure. . . . "

On the standing issue the Supreme Court held in favor of Jones, pointing out that in order to qualify as a "person aggrieved by an unlawful search and seizure," one must have been the victim of a search or seizure and belong to a class for whom the constitutional protection is given. Ordinarily, to establish standing one must claim to have owned or possessed the seized property, but in this sort of case, possession is in itself a confession of guilt. Since, therefore, possession both convicts and confers standing, Justice Frankfurter held that there is no need for a preliminary showing of an interest in the seized property or in the premises. The government, he pointed out, should not be allowed to assume contradictory positions: to admit the evidence on the ground that the individual did not have possession, and then to convict for possession. Under any fair and rational conception of the Rule, he thought that the possession on the basis of which Jones was convicted sufficed to give him standing to raise the issue. Finally, it was ruled that since Jones had been in the apartment with the permission of the owner, he had sufficient interest in the premises. Jusice Frankfurter thought it was "unnecessary and ill-advised to import into the law surrounding the constitutional right to be free from unreasonable searches and seizures" the subtle distinctions of the common law between "lessee," licensee," "invitee," and "guest." These distinctions, he argued, should not determine the fashioning of procedures which are ultimately referable to constitutional safeguards. No just interest of the government in the rigorous enforcement of the criminal law will be hampered by recognizing that anyone who is legitimately on premises where a search is made may challenge its legality by way of a motion to suppress.

Finally, the Court found that there had been probable cause for issuing the warrant of search. The affidavit on the basis of which the warrant had been issued was not insufficient merely because the affiant reported the observations of someone else. An affidavit based on hearsay is not bad if there is a substantial basis for crediting the hearsay, and in this instance the unidentified informant had previously given correct information. On this point Justice Douglas dissented, stressing the danger of magistrates relying upon "faceless informers."

Status of Married Women. In *United States* v. *Dege*[32] the Supreme Court broke new ground in holding that a wife may conspire with her husband to commit an offense against the United States in violation of the federal conspiracy statute, 18 U.S.C. §371. Justice Frankfurter, speaking for six members of the Court, said that we "do not allow ourselves to be obfuscated by medieval views regarding the legal status of woman and the common law's reflection of them. Considering that legitimate business enterprises between husband and wife have long been commonplaces in our time, it would enthrone an unreality into a rule of law to suggest that man and wife are legally incapable of engaging in illicit enterprises and therefore, forsooth, do not engage in them." He insisted that the reasons for the rules regarding testimonial compulsion as between spouses do not apply in this situation. The assumption that responsibility of husband and wife for joint participation in a criminal enterprise would make for marital disharmony, the Justice declared, "is unnourished by sense." And the notion that the wife must be presumed to act under the coercive influence of her husband, and therefore cannot be a willing participant, "implies a view of American womanhood offensive to the ethos of our society." Speaking for the three dissenters, Chief Justice Warren described the Court's approach as too simplistic. He noted that the conspiracy statute was enacted in 1867, at which time Congress certainly had no intent to alter the law regarding this question, and that there is no indication that Congress meant to change the law when the criminal code was last revised in 1948. Where a rule of law is so well established in the common law and in legislation, the Chief Justice argued, the Court should not reject it in the absence of some explicit directive of Congress. Besides, the danger to the confidentiality of the marriage relationship is reason enough for holding on to the traditional rule.

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[31] 362 U. S. 257 (1960).

[32] 364 U. S. 51 (1960).

Compensable Interests. Dividing 6–3, the Court ruled that where under state law a materialman furnishing supplies to a contractor has a lien on a vessel under construction, and the government takes over the uncompleted vessel, the lien is a compensable property interest within the meaning of the Fifth Amendment.[33] While it is true that no one can acquire a lien on a "public work," the mere prospect that property will later be owned by the United States does not render that property immune from otherwise valid liens. The dissenters thought that there had been no "taking" of the materialman's property.

Deportation of Aliens. On the basis of §19(c) of the Immigration Act of 1917, Kimm, an alien, applied for suspension of an order directing his deportation to Korea. When the hearing officer asked Kimm if he was a member of the Communist Party, he declined to reply on the ground of the Fifth Amendment. Under the statute there is no administrative discretionary authority to suspend the deportation of any alien who is deportable because of membership in the Communist Party. Kimm offered no evidence of his own on this point, but argued that it was up to the government to prove membership. Five Justices held that suspension of deportation is a matter of discretion and administrative grace, and that on the request of the Attorney General the applicant must supply information within his knowledge which has a direct bearing on his eligibility under the statute.[34] Speaking in dissent, Justice Douglas argued that this decision means that the Court allows invocation of the constitutional privilege against self-incrimination to serve in effect as proof that the alien lacks good moral character. He argued that invocation of the privilege is a neutral act, as consistent with innocence as with guilt. Justice Brennan thought that while suspension of deportation is a matter of administrative discretion and grace, eligibility for the exercise of that discretion is a matter of law. Thus, he maintained that the burden is on the government to demonstrate deportability, and that in this instance the government was requiring the alien to prove a negative, that he was never a Communist, when no one has said or intimated that he was.

Freedom of Speech. Once more the Court postponed, this time until the 1960 Term, the cases dealing with convictions for mere membership in the Communist Party under the Smith Act and the Internal Security Act of 1950.[35] The Court said that it was postponing argument because it recently granted certiorari in a case arising under the latter act, and wanted it joined to the two earlier cases, which involved the Smith Act. Justice Clark protested that the *Scales* case had been on the active docket for five successive Terms and had been argued fully twice.

2. *The Federal Taxing Power*

Section 811(g)(2)(A) of the Internal Revenue Code of 1939 requires inclusion of insurance proceeds in the gross estate of an insured where the proceeds are receivable by beneficiaries other than the executor, but are attributable to premiums paid by the insured. Inclusion is required whether or not the insured retained any policy rights. In *United States* v. *Manufacturers National Bank of Detroit,*[36] the insured, who died intestate in 1954, left four policies to his wife which had been originally issued to him, but in 1936 he had divested himself of the policy rights by assigning them to his wife. He continued, however, to pay the premiums on these policies until he died. The district court held that this was an unapportioned direct tax in violation of Article I of the Constitution, and that it was invalid under Fifth Amendment due process because it was retroactive and discriminatory. By unanimous vote, the Supreme Court reversed.

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[33] Armstrong v. United States, 364 U. S. 40 (1960). See Lester Nelson, "Sovereign Immunity and Federal Liens," *Brooklyn Law Review*, Vol. 26, pp. 18–40 (December, 1959).

[34] Kimm v. Rosenberg, 363 U. S. 405 (1960). See Kenneth Culp Davis, *Administrative Law and Government* (St. Paul, 1960); Joseph Tanenhaus, "Supreme Court Attitudes toward Federal Administrative Agencies," *Journal of Politics*, Vol. 22, pp. 502–524 (August, 1960).

[35] Scales v. United States, 361 U. S. 952 (1960).

[36] 363 U. S. 194 (1960).

Chief Justice Warren noted that it was the evident intent of Congress to tax events as distinguished from their tangible fruits. From its inception the estate tax has been a tax on a class of events which Congress has chosen to label, as the statute says, "the *transfer* of the net estate of every decedent." A tax on such a taxable event as transfer has always been treated as a duty or excise. Under this statute, the occasion for the tax is the maturing of the beneficiaries' right to the proceeds upon the death of the insured. Congress can reasonably treat this as a testamentary disposition by the insured in favor of the beneficiaries, for the death of the insured creates a genuine enlargement of the rights of the beneficiaries. "The maturing of the right to proceeds," wrote the Chief Justice, "is therefore an appropriate occasion for taxing the transaction to the estate of the insured." He also held that it makes no difference that the payment of premiums occurred during the lifetime of the insured, for Congress can properly impose excise taxes on wholly *inter vivos* gifts, and since this is so, surely it may impose such a tax on the final step, the maturing of the right to proceeds, in a partly *inter vivos* transaction completed by death. Finally, he ruled that there was no violation of due process, since the taxing event, the maturing of the policies at death, occurred long after the enactment of the statute. It is immaterial that the policies were purchased and the policy rights assigned before the statute was adopted since the tax was not laid on the creation or transfer of the policy rights.

3. *The Federal Commerce Power*

The Grand River Dam Authority was created by the Oklahoma legislature to develop hydroelectric power on the Grand River, a nonnavigable tributary of the navigable Arkansas River. It received a license under the Federal Power Act and completed its dam in 1940. In 1946 the federal government started its own project at another point as part of a comprehensive plan for the regulation of navigation, the control of floods and the production of power on the Arkansas River and its tributaries. The Authority then built a second project, and both of its projects were upstream, the federal project being farthest downstream. Now the Authority sues for a "taking" of water rights at the federal site and for a "taking" of its franchise to develop electric power at that site. The Court of Claims held the federal government liable, but by unanimous vote the Supreme Court reversed.[37] Justice Douglas pointed out that the federal action to protect the navigable capacity of the Arkansas River was within the constitutional power of Congress. It is well settled that Congress may under the commerce power treat the watersheds as a key to flood control on navigable streams and their tributaries, and that therefore the power of flood control extends to the tributaries of navigable streams. And, "when the United States appropriates the flow either of a navigable or a nonnavigable stream pursuant to its superior power under the Commerce Clause, it is exercising established prerogatives and is beholden to no one." Justice Douglas said that the Court of Claims erred in failing to distinguish between an appropriation of property and the frustration of an enterprise by reason of the exercise of a superior governmental power.

A construction contractor was building a dam across a river in Texas in order to increase ten-fold the water supply of a local Water Supply District which served customers locally within the state. All the water was intended for Corpus Christi, about half of it for industrial users, most of whom produce goods for commerce. It was also conceded that an unspecified amount of water was consumed by facilities of commerce. The issue arose, does the Fair Labor Standards Act apply to the contractor's employees? The Act as adopted in 1938 extended its terms to those engaged in production "necessary" for commerce, but the 1949 amendments substituted the phrase "directly essential" for such production. Dividing 5–4, the Supreme Court held that the contractor's employees were not covered by the statute.[38] Asserting that there are no "talismanic or abstract tests, embodied in tags or formulas," Justice Frankfurter declared that the limits of coverage cannot be understood merely in terms of the social purposes of the Act, that Congress did not desire undue displacement of state regulation of predominantly local activities, that the Act applies only to activities of traditionally national concern, that the focus of coverage is not commerce in the broadest constitutional sense, but in the limited sense of the statute, and that furthest removed from coverage is activity which is only "related" to production for commerce. He ruled that the 1949 amendments were designed to restrict coverage, that this construction activity was

[37] United States v. Grand River Dam Authority, 363 U. S. 229 (1960).

[38] Mitchell v. Zachry Co., 362 U. S. 310 (1960).

remote from production for commerce, and that the completed facilities were not dedicated either exclusively or primarily to such production. Speaking for the four dissenters, Justice Douglas asserted that this decision was contrary to legislative history, and, by forsaking a long line of precedents, constituted a backward step by giving up territory Congress has fairly claimed, thus diluting the protection Congress designed for the lowest paid and weakest group of wage earners in the country. He argued that this dam would furnish water for a city system which services railroads, trucking companies, airlines, and other instrumentalities of interstate commerce, as well as producers of goods for commerce.

4. *Federal Judicial Power*

Avoidance of Constitutional Issues. A man brought a suit in the diversity jurisdiction of a federal district court in Florida on an insurance contract entered into in Illinois. Under the terms of the contract the time for bringing suit for a loss had lapsed, but under Florida law there was still time. The insurance company challenged the constitutionality of the Florida statute on due process and full faith and credit grounds. Dividing 6–3, the Court remanded the case to the district court with instructions to get a decision from the state courts as to whether the state law applied and whether under state law there was a recoverable loss.[39] Justice Frankfurter, speaking for the Court majority, held that the constitutional issue should have been reached only if the decision on the two nonconstitutional questions compel it. He made the familiar point that the Court will not anticipate a question of constitutional law in advance of the necessity of deciding it, and that this doctrine carries special weight in maintaining proper harmony in federal-state relations. He declared that it must not yield to "the claim of the relatively minor inconvenience of postponement of decision." Speaking in dissent, Justice Black could find no justification for carrying the doctrine of avoiding constitutional questions to what he regarded as a wholly unjustifiable extreme, since there was in his judgment no new state regulatory statute to construe, no peculiarly local questions were at stake, and no difficult state issues were present depending on vague state law. "I believe," he said, "that there are times when a constitutional question is so important that it should be decided even though judicial ingenuity would find a way to escape it." He insisted that the state statute was plain and clear and that it was easy to decide that it applied to this case. He also pointed out that the federal district judge serves locally and knows local law. He then proceeded to hold that the Florida statute was constitutional, since the forum state had sufficient contacts with the parties, the insured property and the lawsuit. He insisted that the Court's avoidance rule was too rigid and ironclad, that it was "bad for the litigants, bad for the courts, and bad for the country. Litigants, too, have a right to have their lawsuits decided without unreasonable and unnecessary delay or expense."

Steel Strike Injunction. Section 208 of the Labor-Management Relations Act authorizes a federal district court, on application of the federal government, to grant an eighty-day injunction if it finds that a strike, if permitted to continue, "will imperil the national health or safety." The Attorney General, under this Section, secured an injunction in the district court for the western district of Pennsylvania against the continuance of an industry-wide strike of workers in the steel industry, and the court of appeals affirmed. In a brief *per curiam* opinion the Supreme Court also affirmed.[40] It held that the meaning of the phrase, "national health," did not have to be determined since the findings of the district court amply supported the other ground for the injunction, that the strike imperiled national safety. The Court was content to rely upon evidence of the strike's effects on specific defense projects. The Court also held that there was no violation of the constitutional limitation which prohibits the courts from exercising legislative or executive powers. The statute itself creates the standard, continuance of production in industries vital to the national health and safety, the United States is the guardian of these public rights in litigation, and there was no review by other agencies of the government of matters decided judicially. Justice Douglas dissented alone; he wanted to remand to the district court to make particularized findings as to how the steel strike imperiled national health, and as to what plants had to be reopened to produce the small quantity of steel needed for national safety. He protested that the federal district court must not act as the President's administrative assistant. A month later Justices Frankfurter and Harlan filed a joint concurring opinion to argue that the district court's decision had been based on weighty evidence, that the President's judgment was entitled to due weight, that the lower courts had properly found that the steel industry could not be

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[39] Clay v. Sun Insurance Office, 363 U. S. 207 (1960).

[40] United Steelworkers v. United States, 361 U. S. 39 (1959).

segmented, and that all the criteria for a proper case or controversy were present in the case. Noting that *In re Debs*[41] remained intact, they asserted that "the judicial power to enjoin public nuisances at the instance of the Government has been a commonplace of jurisdiction in American judicial history."

Maritime Jurisdiction. An action was brought against the United States under the Federal Tort Claims Act to recover for the death of a man who had drowned in the Columbia River while employed as a carpenter by an independent contractor who had undertaken repairs at the federally owned and operated Bonneville Dam. The death occurred on navigable waters within the territorial limits of Oregon, and liability was asserted under the Oregon wrongful death statute and the Oregon Employers' Liability Act. The district court held that the general wrongful death statute of Oregon applied, but that there was no liability because the death was not caused by any negligence on the part of the United States or its employees. It also held that the Oregon Employers' Liability Act could not constitutionally apply because it prescribed such a high standard of care, not mere negligence but failure to use every device, care and precaution which is practicable for the protection and safety of life and limb. Dividing 6–3, the Supreme Court reversed.[42] Since the death occurred on navigable waters, it held that the trial court had correctly ruled that the controversy was within the reach of the admiralty jurisdiction. It is established, Justice Stewart noted, that while admiralty law itself confers no right of action for wrongful death, where death results from a maritime tort committed on navigable waters within a state whose statutes give a right of action on account of wrongful death, the admiralty courts will entertain a libel *in personam* for the damages sustained, for in such a case maritime law enforces the state statute. Thus the conduct giving rise to liability is measured not under admiralty law's standards of duty, but under the substantive standards of the state law. Furthermore, the Court ruled that there is no constitutional impediment to the application by maritime law of the Oregon Employers' Liability Act, for under the teaching of the recent decision involving *The Tungus*,[43] where state policy applies, all of it applies. It would be anomalous to say that a state may create a right of action, but may not determine the circumstances under which it exists. Finally, the Court left open the question as to whether the state wrongful death statute might contain provisions so offensive to traditional principles of maritime law that the admiralty court would decline to enforce them, since it found no such problem in this case. It concluded that actually the state Employers' Liability Act had many provisions more in consonance with traditional principles of admiralty than the state's wrongful death act. Four Justices concurred, however, only because they felt bound by the ruling in *The Tungus*, though they noted their continued disagreement with it.

Justice Frankfurter joined Justice Harlan in a dissenting opinion which defined the issue as whether an action lies when the conduct said to give rise to liability is measured under state law by greater substantive standards of duty than those which would have governed the same conduct under maritime law had death not occurred. If death had not occurred, the United States could not have been held liable except in accordance with the standards of duty imposed by maritime law. This follows from the general constitutional doctrine of federal supremacy in maritime affairs which, they argued, the majority totally disregarded. When the state purports to impose a duty which a person does not bear under federal law, this amounts to state regulation of conduct within the federal maritime jurisdiction. Justice Whittaker filed a memorandum to say that he joined in Justice Harlan's dissent, except for its implication that maritime torts committed on the navigable waters of a state which result in death are governed by the general substantive tort law of the state, not by the general federal maritime law as remedially supplemented only by the wrongful death act of the state.[44]

FELA and Jones Act Cases. During the 1959 Term, there were a number of cases, as in previous Terms, where the Justices registered their differing views on the reviewability of state and lower federal court decisions made under the Federal Employers' Liability Act. In a case involving an injury to a section gang laborer, a jury verdict in favor of the railroad was set aside on the ground that the district court gave an erroneous instruction to the jury regarding the nature of the employer-employee relationship under the statute.[45] In another case the state courts were reversed on the ground that the proofs were sufficient to submit to the jury the question of whether employer negligence played a part in producing the injury.[46] In still another case the Court ruled that the state trial court had usurped the functions of the jury in discharging the jury and holding for the employer on the issue of negligence.[47] In a fourth case, dividing 5–4, the Court affirmed a reversal by a state supreme court of a jury verdict rendered in favor of a railroad crossing watchman who was injured when hit by an automobile driven by an intoxicated driver.[48] The majority noted that FELA does not make the employer an insurer. The four dissenting Justices argued that whether the railroad could have made this spot a safer place to work was a jury question, and that the railroad had a duty to guard against foreseeable events. In a fifth case, a state supreme court reversed a jury verdict for a railroad worker who, when trying on a wet day to move a wooden block embedded in the mud stepped on a railroad tie to brace himself and wrenched his back when his foot slipped. Five Justices voted to reverse.[49] It was in this case that Justice Douglas wrote a concurring opinion to defend the Court's FELA policy, and, reviewing figures, argued that the complaint that the Court was wasting a lot of its time was a false issue. What is at stake, he insisted, is the degree of vigilance which the Court should exercise in safeguarding jury trial. Justice Harlan, speaking in dissent, maintained that these cases involve factual issues of no general importance, and have no legitimate demand upon the energies of the Court, which are already taxed to the utmost. He complained that the majority seem to go on the assumption that in FELA cases anything a jury says goes; this, he argued, would end meaningful judicial supervision of jury verdicts in such cases. In all these cases, as is his custom, Justice Frankfurter took the position that the writ of certiorari had been granted improvidently.

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[41] 158 U. S. 564 (1895).

[42] Hess v. United States, 361 U. S. 314 (1960).

[43] The Tungus v. Skovgaard, 358 U. S. 588 (1959). See this REVIEW, Vol. 54, p. 197 (March, 1960).

[44] See also Goett v. Union Carbide Corp., 361 U. S. 340 (1960), where the Court remanded a case involving a maritime tort decided under the West Virginia wrongful death act, again stressing that it is a question of state law as to what is the proper substantive law to be applied to maritime torts within the territorial jurisdiction of the states in wrongful death cases.

Finally, in a suit by a seaman under the Jones Act, where the issue was whether the accident activated or aggravated a previous condition, the court of appeals reversed the judgment of the district court on the ground that the evidence did not justify the jury's conclusion, and the Supreme Court restored the jury verdict on the ground that it was a reasonable one.[50]

II. QUESTIONS OF STATE POWER

1. *Due Process of Law*

Freedom of Association. Of the state civil liberties cases[51] reviewed by the Supreme Court during the 1959 Term, one of the most important was *Bates* v. *City of Little Rock.*[52] In this case the Court held unanimously that the custodian of the records of the local branch of the NAACP could not be required to supply to the City Clerk, and thus make available to the public, the names of the members and contributors of the Association. "Like freedom of speech and a free press," Justice Stewart wrote, "the right of peaceable assembly was considered by the Framers of our Constitution to lie at the foundation of a government based upon the consent of an informed citizenry—a government dedicated to the establishment of justice and the preservation of liberty. . . . And it is now beyond dispute that freedom of association for the purpose of advancing ideas and airing grievances is protected by the Due Process Clause of the Fourteenth Amendment from invasion by the States." He added that "freedoms such as these are protected not only against heavy-handed frontal attack, but also from being stifled by more subtle governmental interference." Thus it had been held in *NAACP* v. *Alabama*[53] that compelled disclosure of affiliation may be an effective restraint on freedom of association, and that the inviolability of privacy of association may in many circumstances be indispensable to the preservation of freedom of association.

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[45] Ward v. Atlantic Coast Line R. Co., 362 U. S. 396 (1960). See William H. DeParcq, "The Supreme Court and the Federal Employers' Liability Act, 1958–1959 Term," *Minnesota Law Review*, Vol. 44, pp. 707–717 (March, 1960).

[46] Conner v. Butler, 361 U. S. 29 (1959).

[47] Davis v. Virginian R. Co., 361 U. S. 354 (1960).

[48] Inman v. Baltimore & Ohio R. Co., 361 U. S. 138 (1959).

[49] Harris v. Pennsylvania Railroad Co., 361 U. S. 15 (1959).

[50] Sentilles v. Inter-Caribbean Shipping Corp., 361 U. S. 107 (1959). Justice Frankfurter took the position that certiorari should not be granted to review facts and weigh evidence, and that the writ should be dismissed as having been granted improvidently.

[51] See generally: Walter Gellhorn, *American Rights* (New York, 1960); Eleanor Bontecou, ed., *Freedom in the Balance: Opinions of Judge Henry W. Edgerton relating to Civil Liberties* (Ithaca, 1960); Sidney Hook, *Political Power and Personal Freedom* (New York, 1959); O. John Rogge, *The First and the Fifth* (New York, 1960); Carl Beck, *Contempt of Congress* (New Orleans, 1959); Eugene V. Rostow, *Planning for Freedom* (New Haven, 1959); Hugo L. Black, "The Bill of Rights," *New York University Law Review*, Vol. 35, pp. 865–881 (April, 1960); Paul A. Porter, "The Supreme Court and Individual Liberties since 1952," *Kentucky Law Journal*, Vol. 48, pp. 48–62 (Fall, 1959); S. Sidney Ulmer, "Supreme Court Behavior and Civil Rights," *Western Political Quarterly*, Vol. 13, pp. 288–311 (June, 1960); Norman S. Marsh, "Civil Liberties in Europe," *Law Quarterly Review*, Vol. 75, pp. 530–552 (October, 1959); Robert B. McKay, "The Preference for Freedom," *New York University Law Review*, Vol. 34, pp. 1182–1227 (November, 1959); Note, "State Enforcement of Federally Created Rights," *Harvard Law Review*, Vol. 73, pp. 1551–1564 (June, 1960); O. John Rogge, "Unenumerated Rights," *California Law Review*, Vol. 47, pp. 787–827 (December, 1959); Ralph M. Carson, "The Prospect of Liberty," *Michigan Law Review*, Vol. 58, pp. 1185–1216 (June, 1960); Harris Wofford, Jr., "Notre Dame Conference on Civil Rights," *Notre Dame Lawyer*, Vol. 35, pp. 328–367 (May, 1960); Symposium on Scopes v. State, *University of Chicago Law Review*, Vol. 27, pp. 505–534 (Spring, 1960).

[52] 361 U. S. 516 (1960).

The Court found that the record showed that compulsory disclosure of membership lists of local NAACP branches "would work a significant interference with the freedom of association of their members," taking various forms, harassment, threats of bodily harm, fear of community hostility, economic reprisals, discouragement of new members and inducement to old members to withdraw. "This repressive effect," said Justice Stewart, "while in part the result of private attitudes and pressures, was brought to bear only after the exercise of governmental power had threatened to force disclosure of the members' names . . . . Thus, the threat of substantial government encroachment upon important and traditional aspects of individual freedom is neither speculative nor remote." Finally, the Court ruled that where there is such a significant encroachment upon personal liberty, the state must show a compelling subordinating interest, and it could not believe that the city's interest was so cogent as to justify making public the membership lists. While it was conceded that the power to tax, to which the ordinance in question was tied, is fundamental, and may sometimes be exercised even where there is some encroachment upon individual freedom, the Court could find "no relevant correlation" between the power of the city to impose license taxes and the compulsory disclosure and publication of membership lists, and no "controlling justification for the deterrence" of free association.

Freedom of the Press and the Problem of Obscenity. The proprietor of a bookstore was convicted in a Los Angeles municipal court of violating an ordinance which makes it unlawful "for any person to have in his possession any obscene or indecent writing, [or] book . . . in any place of business where . . . books . . . are sold or kept for sale." The two lower courts held that the offense consisted solely of possession of a book found upon judicial investigation to be obscene. Since the definition included no element of *scienter*, knowledge by the defendant of the contents of the book, the ordinance was construed as imposing a "strict" or "absolute" criminal liability. The Supreme Court reversed.[54] Of course, it is well established, as Justice Brennan noted, that the basic freedoms assured by the Fourteenth Amendment include the free publication and dissemination of books, even though under commercial auspices. Though *scienter* is not always required, he pointed out that the existence of a *mens rea* is the rule rather than the exception in Anglo-American criminal jurisprudence. Where the free dissemination of ideas and possible inhibition of free expression are involved, Justice Brennan said that the Court applies stricter standards of permissible statutory vagueness. He thought that this ordinance's strict liability feature would tend seriously to have the effect of restricting the dissemination of books which are not obscene "by penalizing booksellers, even though they had not the slightest notice of the character of the books they sold." The absence of *scienter* in such statutes as the food and drug laws was described as different, since ignorance of the seller of food is irrelevant. But here the ordinance imposes a severe limitation on the public's access to constitutionally protected matter. For example, the bookseller will tend to restrict the books he sells to those he has inspected, and this burden will become the public's burden, for there is a limit to what the bookseller can read, and absolute liability will breed timidity. The Court rejected the argument that the requirement of *scienter* would make the law unenforceable because the bookseller can falsely disclaim any knowledge of the contents of the books or falsely deny any reason to suspect their obscenity. It has long been established, Justice Brennan pointed out, that the law is not impotent to explore the actual state of a man's mind, and circumstances may well warrant the inference that he was aware of what a book contained.

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[53] 357 U. S. 449 (1958). See this REVIEW, Vol. 53, pp. 161–162 (March, 1959).

[54] Smith v. California, 361 U. S. 147 (1959). See James J. Kilpatrick, *The Smut Peddlers* (Garden City, N. Y., 1960); Harvey L. Zuckman, "Obscenity in the Mails," *Southern California Law Review*, Vol. 33, pp. 171–188 (Winter, 1960).

In a concurring opinion, Justice Black argued that there is a serious burden on freedom of the press, taking the form of censorship, with or without *scienter*. He repeated his familiar view that the First Amendment imposes an absolute standard, that its commands are "unequivocal" and cannot be diluted by any other provision in the Constitution. Concurring separately, Justice Frankfurter argued that the Court ought to indicate the scope and quality of *scienter* required, to make clear that it was not intended to nullify the conceded power of the state to prohibit booksellers from trafficking in obscene literature. Since this is an uncertain field where proof is speculative, he maintained that one charged with obscenity has a right to enlighten the court regarding prevailing literary and moral community standards, and to do so through qualified experts. The exclusion by the trial court of such expert testimony went to the very essence of the defense, he argued, and therefore violated due process. Justice Douglas said, in another concurring opinion, that he had read the book in question, and while he found it repulsive, he did not believe it was so closely linked with illegal action as to be an inseparable part of it. Justice Harlan would not say that the Constitution requires the oral testimony of experts to be heard, since there are other ways that proof can be demonstrated. But he thought that the conviction was fatally defective because the trial judge turned aside *every* attempt by the accused to introduce evidence bearing on community standards, and did not limit his exclusionary rule to offered expert testimony. Since this had the effect of depriving the accused of an opportunity to offer any proof on a constitutionally relevant issue, he was in favor of reversing and remanding the case for a new trial. The Court merely reversed. In view of the expression of all these views, it is difficult to believe that trial courts will find much guidance in this decision for future cases. The Justices are obviously still groping towards a satisfactory formulation of the difficult problem inherent in the effort to control so-called obscene literature.

Freedom of Speech. An important free speech issue was decided by a 6–3 vote of the Supreme Court in *Talley* v. *California*.[55] In this case the Court held unconstitutional an ordinance of Los Angeles which provided that no person shall distribute any handbill "in any place under any circumstances," unless there appear on the cover or face of the publication the name and address of the person who printed, wrote, compiled or manufactured it, and the name and address of the person who caused it to be distributed. Justice Black pointed out that the Court has long been committed to the view that pamphlets and leaflets "have been historic weapons in the defense of liberty" and thus within the protection of the Constitution.[56] He noted that while California argued that the ordinance was aimed at those who are responsible for fraud, false advertising, libel or obscenity, the ordinance was in no manner limited to such matters. Justice Black declared that undoubtedly this identification requirement would tend to restrict the freedom to distribute information, and thereby freedom of expression, and the one freedom is essential to the other. He wrote: "Anonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind. Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all." It was plain to him, in the light of history, that anonymity can be used for most constructive purposes. Justice Black also drew an analogy with the recent NAACP cases which held, in effect, that there are times and circumstances when states may not compel members of groups engaged in the dissemination of ideas to be publicly identified.[57] "The reason for those holdings," Justice Black wrote, "was that identification and fear of reprisal might deter perfectly peaceful discussions of public matters of importance. This broad Los Angeles ordinance is subject to the same infirmity."

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[55] 362 U. S. 60 (1960). On free speech and related issues see: Leonard W. Levy, *Legacy of Suppression: Freedom of Speech and Press in Early American History* (Cambridge, 1960); Frede Castberg, *Freedom of Speech in the West* (New York, 1960); Leon Green, "The Right to Communicate," *New York University Law Review*, Vol. 35, pp. 903–924 (April, 1960); J. S. Williams, "Freedom to Speak—but only Ineffectively," *Texas Law Review*, Vol. 38, pp. 373–391 (April, 1960); Walter F. Murphy, "Mr. Justice Jackson, Free Speech, and the Judicial Function," *Vanderbilt Law Review*, Vol. 12, pp. 1019–1046 (October, 1959); Clark Byse, "Academic Freedom, Tenure, and the Law: A Comment on Worzella v. Board of Regents," *Harvard Law Review*, Vol. 73, pp. 304–322 (December, 1959); Alexander Meiklejohn, "The Barenblatt Opinion," *University of Chicago Law Review*, Vol. 27, pp. 329–340 (Winter, 1960); Harry Kalven, Jr., "Mr. Alexander Meiklejohn and the Barenblatt Opinion," *ibid.*, pp. 315–328.

[56] The Court cited such well-known handbill cases as Lovell v. City of Griffin, 303 U. S. 444 (1938); Schneider v. Irvington, 308 U. S. 147 (1939); Jamison v. Texas, 318 U. S. 413 (1943).

[57] Bates v. City of Little Rock, 361 U. S. 516 (1960); NAACP v. Alabama *ex rel.* Patterson, 357 U. S. 449 (1958).

Justices Frankfurter and Whittaker joined in Justice Clark's dissenting opinion, which argued that the Court, by holding the ordinance invalid on its face, had not appraised the circumstances and substantiality of the claims of the litigants. He could find no proofs in the record that the complaining parties would suffer any injury whatever by putting their names on the handbills in question. On the other hand, he thought the city's interests in preventing fraud, deceit, false advertising, obscenity and libel were very substantial. A man has a right to free speech, he declared, but not freedom of anonymity. "The Constitution says nothing about freedom of anonymous speech." Pointing to various federal[58] and state identification laws, such as the statutes of thirty-six states which prohibit the anonymous distribution of materials relating to elections, Justice Clark asserted that these laws express "the overwhelming public policy of the Nation."

Freedom of Religion. In the *Kedroff* case,[59] decided in 1952, the Supreme Court held that the right conferred under canon law upon the Archbishop of the North American Archdiocese of the Russian Orthodox Greek Catholic Church, as the appointee of the Patriarch of Moscow, to the use and occupancy of the St. Nicholas Cathedral in New York, was strictly a matter of ecclesiastical government, and as such could not constitutionally be impaired by a state statute which purported to bestow that right on another. The Supreme Court reversed the judgment of the New York Court of Appeals and remanded for further action not in contravention with its opinion. The Court of Appeals then ordered a retrial of the question of the plaintiff's right to use and occupancy on a common law issue assertedly left open by the Supreme Court's invalidation of the statutory basis for the *Kedroff* decision. After trial, the Court of Appeals directed entry of judgment against the plaintiff, holding that by reason of the domination of the Patriarch by the secular authority in the USSR—which that court found to be a fact—his appointee could not under the common law of New York exercise validly the right to occupy the Cathedral. Again the Supreme Court reversed, holding that its decision rested on the same premises which had been controlling in *Kedroff*.[60] The Court decided that it was of no constitutional moment that the state in this instance acted through its judicial branch, for whether the state acts through its legislative or judicial department, it is still the application of state power which is being scrutinized. In short, what the legislature of New York cannot do in these premises, the state courts cannot do either.

Official Loyalty. Two employees of the County of Los Angeles, Nelson and Globe, appeared pursuant to subpoena before the House Committee on Un-American Activities, and refused to answer certain questions regarding subversion, though previously each had been ordered by the County Board to answer such questions. The Board's order declared that an employee who refuses to answer questions regarding subversion will be considered insubordinate. In addition, a California statute makes it the duty of any public employee to give testimony relating to subversive activities on pain of discharge "in the manner provided by law." Nelson was a permanent employee who, on request, was given a hearing before the Civil Service Commission, which resulted in a confirmation of his dismissal. Globe was a temporary employee who was denied a hearing according to civil service rules. Both filed petitions for mandates seeking reinstatement. With Chief Justice Warren taking no part, the Justices divided evenly as to Nelson's appeal, and thus the judgment below was affirmed without opinion. Five Justices held, however, that Globe's summary dismissal was valid.[61]

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[58] Justice Clark mentioned the act of Congress which requires newspapers using second class privileges to publish the names of the editor, publisher, owner and stockholders, sustained in Lewis Publishing Co. v Morgan, 229 U. S. 288 (1913), and the Federal Regulation of Lobbying Act, which requires those engaged in lobbying to divulge their identities and give certain information to Congress, sustained in United States v. Harriss, 347 U. S. 612 (1954).

[59] Kedroff v. St. Nicholas Cathedral, 344 U. S. 94 (1952).

[60] Kreshik v. St. Nicholas Cathedral, 363 U. S. 190 (1960). On freedom of religion issues see: Peter H. Odegard, *Religion and Politics* (New York, 1960); Theodore Powell, *The School Bus Law* (Middletown, Connecticut, 1960); Paul Blanshard, *God and Man in Washington* (Boston, 1960); F. William O'Brien, "Has Government an Interest in Religion?" *Villanova Law Review*, Vol. 5, pp. 335–374 (Spring, 1960); Virgil W. Duffie, Jr., "The Requirement of a Religious Belief for Competency of a Witness," *South Carolina Law Quarterly*, Vol. 11, pp. 548–553 (Summer, 1959); Note, "Sunday Blue Laws: A New Battle on an Old Front," *Syracuse Law Review*, Vol. 11, pp. 254–264 (Spring, 1960); Note, "State Sunday Laws and the Religious Guarantees of the Federal Constitution," *Harvard Law Review*, Vol. 73, pp. 729–746 (February, 1960); Stanley M. Lipnick, "Sunday Laws, Released Time, and Bible Reading in the Public Schools," *George Washington Law Review*, Vol. 28, pp. 579–615 (March, 1960).

Speaking for the Court, Justice Clark distinguished the *Slochower* decision,[62] on the theory that in that case the statute specifically said that anyone taking the Fifth Amendment shall be discharged. Thus the statute's effect was to take the unanswered question as confessed; that is to say, it had "a built-in inference of guilt" derived solely from reliance upon the privilege against self-incrimination, which the Court held to be unreasonable and arbitrary. But the test in Globe's case is not the invocation of any constitutional privilege, but failure of the employee to answer. The state action was based solely on employee insubordination, failure to give information which the Court has held the state has a legitimate interest in securing. Accordingly, the recent *Beilan* and *Lerner*[63] cases were held to be controlling. Justice Douglas agreed with Justice Black's assertion in a dissenting opinion that the state had discharged Globe only because he claimed his privilege under the federal Constitution, that this was contrary to the Supremacy Clause, and violative of due process because it constituted an encroachment upon the individual rights of the people. In a second dissenting opinion Justice Brennan argued that this case was governed squarely by *Slochower*, the vice in both cases being automatic discharge for a Fifth Amendment plea before another body not concerned with investigating the "fitness" of the employee involved. Noting that there had been no administrative procedure to determine Globe's fitness, he insisted that even temporary employees have rights.

The Necessity for Evidence. Sam Thompson was convicted in the Police Court of Louisville of two offenses, loitering and disorderly conduct, and fined $10 on each count. A long-time resident of the area, he had gone to a cafe at about 6:20 P.M. on a Saturday evening and had been there about a half-hour before he was arrested. He testified that he was waiting for a bus. He was seen shuffling his feet alone on the dance floor, and this was the basis for the loitering charge. The disorderly conduct charge was based on the fact that after his arrest he argued with the policeman. Testimony established that Thompson had purchased food and drink in the cafe, that he had money with him and owned two lots, that he worked regularly and had income sufficient for his needs. The cafe manager testified that Thompson had frequently patronized the place, and that he never told him he was unwelcome there. Neither the manager nor anyone else objected to what Thompson was doing in the cafe.

A unanimous Court reversed the conviction.[64] Justice Black said that although the fine was a small one, the due process issue was substantial. He noted that under the Kentucky statute, to prove loitering the state must show that the accused was without visible means of support, that he could not give a satisfactory account of himself, and that he was loafing or trespassing without the consent of the owner or controller of the premises. The record was entirely lacking in evidence to support any of these charges. As to the disorderly conduct charge, the only evidence was the single statement of the arresting policeman that when arrested, Thompson was very argumentative; no evidence was introduced to show that he raised his voice, or used offensive language, or resisted arrest, or did anything else contrary to the peace and tranquility of the community. It was pointed out that merely arguing with a policeman is not disorderly conduct as a matter of substantive law in Kentucky. It followed from all this that there was no evidence in the record to support these convictions. Therefore, they cannot stand, since it is a violation of due process to convict and punish a man without evidence of guilt. This was the first such holding under due process in the history of the Court.

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[61] Nelson v. County of Los Angeles, 362 U. S. 1 (1960). See Werner F. Grunbaum, "The British Security Program, 1948–1958," *Western Political Quarterly*, Vol. 13, pp. 764–779 (September, 1960); Note, "Due Process and the 'Right' to a Job," *Virginia Law Review*, Vol. 46, pp. 322–336 (March, 1960).

[62] Slochower v. Board of Higher Education of New York, 350 U. S. 551 (1956).

[63] Beilan v. Board of Education of Philadelphia, 357 U. S. 399 (1958); Lerner v. Casey, 357 U. S. 468 (1958).

[64] Thompson v. City of Louisville, 362 U. S. 199 (1960). On various subjects relating to the rights of the accused see: Arthur L. Harding, ed., *Fundamental Law in Criminal Prosecutions* (Dallas, 1959); Joseph Goldstein, "Police Discretion Not To Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," *Yale Law Journal*, Vol. 69, pp. 543–594 (March, 1960); Curtis R. Reitz, "Federal Habeas Corpus: Postconviction Remedy for State Prisoners," *University of Pennsylvania Law Review*, Vol. 108, pp. 461–532 (February, 1960); Note, "Community Hostility and the Right to an Impartial Jury," *Columbia Law Review*, Vol. 60, pp. 349–380 (March, 1960); Note, "The Caryl Chessman Case: A Legal Analysis," *Minnesota Law Review*, Vol. 44, pp. 941–997 (April, 1960); Chester J. Antieau, "The Constitutional Rights of Persons Charged with Violating Municipal Ordinances," *Georgetown Law Journal*, Vol. 48, pp. 1–42 (Fall, 1959); John C. McCoid II, "Right to Jury Trial in the Federal Courts," *Iowa Law Review*, Vol. 45, pp. 726–742 (Summer, 1960)

Confessions. Blackburn, a 24-year old Negro, was tried for a robbery that occurred in 1948 and sentenced to twenty years' imprisonment, the most damaging evidence against him having been a confession. He had suffered from a great deal of mental illness, having been discharged from the armed forces in 1944 as permanently disabled by reason of a psychosis. Until February, 1948, he was institutionalized and given medical treatment. The robbery occurred during a period of unauthorized absence from the mental ward of a veterans' hospital. After his arrest, Blackburn was declared insane by a state judge on the examination of three physicians, and then by a lunacy commission at the state hospital. He escaped and was declared insane, after capture, by a second judge, and returned to the hospital. There he remained for some four years, from 1948 to 1952, when he was declared mentally competent to stand trial. At the trial Blackburn pleaded not guilty by reason of insanity, and the confession made at the time of his arrest in 1948 was admitted into evidence over protest. The confession had been written by a deputy sheriff and signed by the accused. Prior to the making of the confession, Blackburn had been questioned for some eight or nine hours, in a very small room which on occasion was filled with officers, and he had no assistance from counsel, friends or relatives. The Supreme Court was unanimous in setting aside this Alabama conviction.[65]

Chief Justice Warren took this occasion to review a great deal of basic law on the subject of involuntary confessions. Ever since the *Brown* case,[66] he noted, it has been established that "the Fourteenth Amendment is grievously breached when an involuntary confession is obtained by state officers and introduced into evidence in a criminal prosecution which culminates in a conviction." And the Court has recognized, since its decision in the *Chambers* case,[67] that coercion can be mental as well as physical, since there are more sophisticated methods of "persuasion" than the rack and the thumbscrew. The Chief Justice pointed out that "a prolonged interrogation of an accused who is ignorant of his rights and who has been cut off from the moral support of friends and relatives is not infrequently an effective technique of terror." Furthermore, it was made clear that due process forbids fundamental unfairness in the use of evidence, whether true or false, and that the introduction of an involuntary confession is not immaterial because other evidence establishes guilt or corroborates the confession. The wringing of a confession from an accused involves questions which transcend the question of guilt or innocence. For one thing, the confession may be untrue. In addition, the individual's freedom of will must be preserved. But above all, there is a deeply rooted feeling that the police must themselves obey the law while enforcing it. Since in this case Blackburn was clearly insane and incompetent at the time of the alleged confession, and since he lacked the assistance of counsel, friends or relatives, his confession could not have been the product of a rational intellect and a free will. And surely, said the Chief Justice, "in the present stage of our civilization a most basic sense of justice is affronted by the spectacle of incarcerating a human being upon the basis of a statement he made while insane. . . . "

Right to Counsel. Hudson and two others were tried before a North Carolina jury on an indictment jointly charging them with the crime of robbery. Then eighteen years old, Hudson asked the judge to appoint a lawyer for him, declaring that he was indigent and incapable of defending himself, but the judge refused, saying that he would see to it that his rights were protected. Midway through the testimony of the first witness, the victim, the lawyer for one of the other defendants offered to represent all three of them, though on advice of the judge that there might be conflicting interests, the lawyer cross-examined only in behalf of his own client. After the state's case was in, the lawyer offered a plea of guilty for his client. The trial went on for the other two, who were convicted of larceny, a felony. Hudson was sentenced to a jail term of three to five years, the other defendant received a sentence of eighteen months to two years, and the lawyer's client got a six months suspended sentence. The Supreme Court reversed, holding that entry by the lawyer, in the presence of the jury midway through the trial, of the plea of guilty in behalf of his own client, was potentially prejudicial to Hudson, for it was at precisely this moment that he was left to his own devices.[68] It was noted that Hudson did not ask the court to instruct the jury to disregard the other defendant's plea of guilty, and that the court gave no such instruction. But a layman could hardly be aware of the fact that he was entitled to any protection from the prejudicial effect of the codefendant's plea of guilty, and would not know how to proceed. These problems, said Justice Stewart, require "professional knowledge and experience beyond a layman's ken." Justice Whittaker agreed with the views of Justice Clark, who asserted in a dissenting opinion that the decision of the Court threatened to open wide the prison doors of the land. He protested that the issue on which the decision turned was not raised below, and expressed the view that the plea of the codefendant had actually helped Hudson since the jury convicted him of the lesser offense of larceny rather than the more serious offense of robbery. Justice Clark thought that this was a simple, non-technical case, that the trial judge had fully protected Hudson's rights in the trial, and had given the jury a full, fair and intelligent charge.

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[65] Blackburn v. Alabama, 361 U. S. 199 (1960).

[66] Brown v. Mississippi, 297 U. S. 278 (1936).

[67] Chambers v. Florida, 309 U. S. 227 (1940).

[68] Hudson v. North Carolina, 363 U. S. 697 (1960). See: Comment, "The Right to Counsel

Search and Seizure. Dividing 4–4, the Supreme Court affirmed a decision of the highest court of Ohio upholding the constitutionality of an ordinance which authorized a housing inspector, upon showing proper identification, to enter, examine and survey at any reasonable hour all dwellings, and required the owner or occupant of the dwelling to give the inspector free access at any reasonable hour to inspect it.[69] During the previous Term, the four Justices who voted against noting probable jurisdiction did the unusual thing of filing a statement of reasons for their position.[70] When the case was decided on the merits in 1960, though the Court was evenly divided, the four Justices who dissented evened the score not only by listing their names as being in dissent, but also by writing an opinion on the merits. They objected to the absence of a search warrant, and argued that the recent case of *Frank* v. *Maryland*,[71] on which the decision of the Court rested, should not be followed, and was, in any event, distinguishable. They insisted that where the householder does not give his consent to a search, a warrant ought to be required, and that due process embraces the Fourth Amendment protection of privacy.

2. *Equal Protection of the Laws*

Though there was a great deal of activity in the lower federal courts regarding the problem of racial segregation in the public schools,[72] the only equal protection case decided by the Court on the merits during the 1959 Term dealt with a point of law first established in 1956 and reaffirmed in 1959.[73] Again the Court ruled that an indigent defendant's right to the equal protection of the laws was violated, this time where the highest state court did not provide him an adequate remedy for the prosecution of an appeal from his conviction without payment of docket fees.[74]

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in Misdemeanor Cases," *California Law Review*, Vol. 48, pp. 501–515 (August, 1960).

[69] Ohio *ex rel.* Eaton v. Price, 364 U. S. 263 (1960). See Robert F. Allnutt and Gerald J. Mossinghoff, "Housing and Health Inspection," *George Washington Law Review*, Vol. 28, pp. 421–453 (January, 1960); D. W. M. Waters, "Rights of Entry in Administrative Officers," *University of Chicago Law Review*, Vol. 27, pp. 79–93 (Autumn, 1959).

[70] Ohio *ex rel.* Eaton v. Price, 360 U. S. 246 (1959). These Justices thought that the very recent decision of the Court in Frank v. Maryland, 359 U. S. 360 (1959) was controlling, and that it was contrary to the Court's own procedures to permit a constitutional issue settled so recently after thorough discussion to be reopened so soon.

[71] 359 U. S. 360 (1959).

[72] See: Robert J. Harris, *The Quest for Equality* (Baton Rouge, 1960); Charles L. Black, Jr., "The Lawfulness of the Segregation Decisions," *Yale Law Journal*, Vol. 69, pp. 421–430 (January, 1960); Daniel H. Pollitt, "Dime Store Demonstrations: Events and Legal Problems of First Sixty Days," *Duke Law Journal*, Vol. 1960, pp. 315–365 (Summer, 1960); William P. Rogers, "Desegregation in the Schools: The Citizen's Responsibility," *Cornell Law Quarterly*, Vol. 45, pp. 488–513 (Spring, 1960); Louis H. Pollak, "Racial Discrimination and Judicial Integrity· A Reply to Professor Wechsler," *University of Pennsylvania Law Review*, Vol. 108, pp. 1–34 (November, 1959); Harold W. Horowitz, "The 1959 California Equal Rights in 'Business Establishments' Statute—A Problem in Statutory Application," *Southern California Law Review*, Vol. 33, pp. 260–305 (Spring, 1960); Brainerd Currie and H. H. Schreter, "Unconstitutional Discrimination in the Conflict of Laws: Privileges and Immunities," *Yale Law Journal*, Vol. 69, pp. 1323–1391 (July, 1960); Paul Oberst, "The Supreme Court and States Rights," *Kentucky Law Journal*, Vol. 48, pp. 63–89 (Fall, 1959); Note, "Employment Discrimination," *Race Relations Law Reporter*, Vol. 5, pp. 569–592 (Summer, 1960).

[73] Griffin v. Illinois, 351 U. S. 12 (1956); Burns v. Ohio, 360 U.S. 252 (1959).

[74] Douglas v. Green, 363 U. S. 192 (1960). See Daniel Wilkes, "Constitutional Rights of Convicted Indigents in State Criminal Proceedings

3. *State Power and the Commerce Clause*

Police Power. A Michigan corporation engaged in manufacturing and selling cement has a fleet of five vessels which operate in interstate commerce. To comply with the Detroit Smoke Abatement Code, structural alterations would be necessary for two of the ships. Furthermore, these ships have been inspected, approved and licensed to operate in interstate commerce by the federal government. Dividing 7–2, the Court ruled, on these facts, that this police power legislation, designed for the health and welfare of the city's inhabitants, may constitutionally apply to interstate commerce.[75] While Justice Stewart pointed out that states may not unduly burden maritime activities or interstate commerce, it is well-established that in many areas, such as this, the states have concurrent powers with the federal government in these fields. Furthermore, the Court could find no pre-emption by the federal action, and no actual conflict between applicable state and federal law. The purpose of the federal inspection statutes is to insure the seagoing safety of vessels subject to inspection, while the sole aim of Detroit's ordinance is elimination of air pollution to protect health and enhance the cleanliness of the local community. Thus, the mere possession of a federal license does not immunize a ship from the operation of the normal incidents of local police power which are not direct regulations of commerce. Justice Stewart cited the familiar examples of local pilotage laws, quarantine laws, local safety inspections, and local regulation of wharves and docks. Finally, he called attention to the fact that the ordinance neither burdened interstate commerce unduly, nor discriminated against it. Justices Douglas and Frankfurter maintained that there was federal pre-emption, and that the city ordinance was squarely in conflict with the federal inspection statute. They also argued that the effect of the local action on the federal certificate was crippling, and that the variety of requirements among the states would destroy necessary uniformity.

A conflict between state and federal policy was resolved in favor of federal regulation in *Federal Trade Commission* v. *Travelers Health Association.*[76] The respondent is a Nebraska corporation selling health insurance; while it is licensed only in Nebraska and Virginia, it sells no policies through agents, but transacts its business from its Omaha office by mail with residents of every state. A Nebraska statute forbids unfair methods of competition and unfair or deceptive practices in the conduct of the business of insurance in any other state. The Federal Trade Commission, however, issued a cease-and-desist order prohibiting the making of certain representations in letters found to be misleading and deceptive in violation of the Federal Trade Commission Act. The court of appeals set aside this order on the basis of the McCarran-Ferguson Act of 1945, which provides that the Federal Trade Commission Act "shall be applicable to the business of insurance to the extent that such business is not regulated by State law." By a 6–3 vote the Supreme Court reversed, holding, without ruling directly on any constitutional question, that the legislative history of the McCarran-Ferguson Act strongly supports the view that this law did not intend to take from the other states the protection of the Federal Trade Commission Act. The majority held that the sort of state regulation which Congress intended to permit related to regulation by the state in which the deception is practiced and has its impact, but that Congress did not authorize state regulation of extraterritorial activities. Speaking for the three dissenters, Justice Harlan argued that this decision made inroads into the policy of the federal statute, and that the data relied upon by the majority were too meagre.

Taxation. A familiar constitutional problem was brought to the Court in *Scripto, Inc.* v. *Carson*[77] involving the responsibility for the collection of use taxes. By statute Florida required Scripto, a Georgia corporation, to collect use taxes on mechanical writing instruments which it sells and ships from its place of business in Atlanta to residents of Florida for use there. Scripto does not own or maintain any office, distributing house, warehouse or other place of business, in Florida, and has no regular employee or agent there. It owns no bank account or stock of merchandise in Florida. Orders for its products are solicited by wholesalers or jobbers who are residents of Florida, and the contracts with these local people designate them as "independent contractors." Each salesman is furnished catalogs, samples and advertising material. Orders are sent directly to the Atlanta office for acceptance or refusal, and no money passes between the salesman and the purchaser. On these facts the Court held that Florida could require Scripto to collect the tax in question. Justice Clark

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since *Griffin* v. *Illinois*," *Temple Law Quarterly*, Vol. 33, pp. 125–151 (Winter, 1959).

[75] Huron Portland Cement Co. v. Detroit, 362 U. S. 440 (1960).

[76] 362 U. S. 293 (1960).

[77] 362 U. S. 207 (1960). See Symposium on "State Taxation of Interstate Commerce," *Virginia Law Review*, Vol. 46, pp. 1051–1326 (October, 1960).

pointed out that the general rule is that there must be some minimum connection between a state and the person, property or transaction it seeks to tax. Such a nexus he found to exist in this case. He stressed that the tax was nondiscriminatory, and was levied for the use of property purchased by Florida buyers which became part of the mass of property in the state. The burden of the tax is ultimately on the Florida purchaser. It was also noted that Scripto had ten "salesmen" who conducted continuous local solicitation in Florida and forwarded the orders to Atlanta; the only non-local incident was the acceptance of the order. Finally, the Court ruled that the fact that the salesmen were not regular employees of Scripto was "a fine distinction . . . without constitutional significance," since whatever they were called, they still engaged in the local function of solicitation. To permit "contractual shifts," Justice Clark declared, "would open the gates to a stampede of tax avoidance."[78] Dissenting alone, Justice Whittaker found in Florida's action a denial of due process and a direct burden on interstate commerce.

4. *Intergovernmental Relations*

Intergovernmental Taxation. The Phillips Chemical Company engages in the commercial manufacture of ammonia on valuable industrial property leased from the federal government in Texas. A school district levied a tax, for the period 1949–1954, which was measured by the estimated full value of the leased premises in accordance with its ordinary *ad valorem* tax procedures. Texas statutes impose a distinctly lesser burden on similarly situated lessees of exempt property owned by the state and its political subdivisions. For example, the measure of this tax is not the full value of the leased premises, but only the price the taxable leasehold would bring at a fair voluntary sale for cash. Furthermore, there is no tax at all on a lessee whose lease is for a term of less than three years, and a lease for three years or more which, like that of Phillips, is subject to termination at the lessor's option in the event of a sale is not a lease for a term of three years or more. Therefore, since the terms in the Phillips lease allow the government to take over on thirty days' notice in the event of a national emergency, and on ninety days' notice in the event of a sale of the property, Phillips would not be taxable at all if it had a lease from the state. By unanimous decision, the Court ruled that there was apparent discrimination here against the United States and its lessee.[79] The prevailing rule is clear, said Chief Justice Warren, that a state may not single out those who deal with the federal government in one capacity or another for a tax burden which is not imposed on others similarly situated. The Court could not find any significant differences which would justify the imposition of a heavier burden of taxation on lessees of federal property than is imposed on lessees of other exempt public property. While it was conceded that as a general proposition the state is free to adopt measures reasonably designed to facilitate the leasing of its own land, it is not permissible to take the form of discriminating against the United States government's lessees. Customary rules of construction in the equal protection field which concede that there is a wide range of classification permissible for the taxing power, the Chief Justice asserted, do not necessarily control where problems of intergovernmental tax immunity are involved. When dealing with its own domestic concerns the state's power to classify is very broad, but where the taxation of the private use of the federal government's property is involved, federal interests must be weighed in the balance. "Accordingly," said the Chief Justice, "it does not seem too much to require that the State treat those who deal with the Government as well as it treats those with whom it deals itself."

Federal Preemption. A suit was brought in the New York courts to test the constitutionality of §8 of the New York Waterfront Commission Act of 1953, which was a detailed scheme for governmental supervision of employment in the waterfront of the Port of New York. Section 8 provides that no person shall solicit, collect or receive any dues or assessments from employees on the waterfront (pier superintendents, hiring agents, longshoremen, and port watchmen), for any labor organization, if any officer or agent of such organization has been convicted of a felony in any state or federal court, and has not been pardoned or has not received a certificate of good conduct from the state board of parole. De Veau, the complaining party, was secretary-treasurer of a longshoremen's local in New York, and had been convicted of grand larceny in 1920, for which he had received a suspended sentence. He had never been pardoned and had never received a certificate of good conduct. The New York statute was based on investigations and reports regarding corruption in the waterfront unions. New York and New Jersey by compact created a bi-state Waterfront

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[78] The Court held that General Trading Co. v. State Tax Com., 322 U. S. 335 (1944) was controlling. Miller Bros. Co. v. Maryland, 347 U. S 340 (1954) was distinguished.

[79] Phillips Chemical Co. v. Dumas School District. 361 U. S. 376 (1960).

Commission with power to license, regulate and register waterfront employment. One of its main purposes was to keep criminals away from the waterfront. The compact was agreed to by Congress, and while §8 was not in the compact, but was enacted as part of a body of additional legislation, Congress later gave its approval explicitly to such supplementary legislation. The Supreme Court sustained the constitutionality of this statute by a 5–3 vote.[80]

In an opinion agreed to by four members of the Court, Justice Frankfurter ruled that §8 was not in conflict with the National Labor Relations Act, and that its subject was not preempted. While the statute does prevent the waterfront workers from choosing bargaining agents ex-felons who have not been pardoned or given good conduct certificates, he argued that the National Labor Relations Act does no exclude every state policy that may restrict the complete freedom of a group of employees to designate representatives of their own choosing. Surely, he maintained, a state can convict a union official of a crime, though this would prevent him from serving as a bargaining representative. Justice Frankfurter stressed that Congress would not regard the state policy as incompatible with federal policy, since Congress knew about this provision and actually approved of it in a general way, something it had never done in connection with supplementary legislation tied to many previous compacts. It is true that a section of the Labor-Management Reporting and Disclosure Act of 1959 has a provision barring ex-felons from union offices for five years, but it was noted that the act also has an express disclaimer of preemption as regards this subject, and that where Congress meant to preempt a subject in the act, it said so explicitly.

On the due process issue raised by the plaintiff, the Court ruled that §8 was a reasonable means for achieving a legitimate state aim, the elimination of corruption on the waterfront. To be sure, said Justice Frankfurter, this is drastic legislation, but in the view of two states and Congress, the influence of ex-convicts called for drastic action, since investigation established that their presence was a principal corrupting factor. It is not for the Court, he said, "to substitute its judgment for that of Congress and the Legislatures of New York and New Jersey regarding the social surgery required by a situation as gangrenous as exposure of the New York waterfront had revealed." In addition, it was pointed out that barring convicted felons from certain employments is a familiar legislative device. For example, they are barred from the army and air force, from federal juries, and from holding public offices. Furthermore, since it acted on the basis of impressive evidence, New York was not merely guessing when it adopted §8. As for the objection that it constituted a bill of attainder, it was noted that the statute did not constitute a legislative determination of guilt; the plaintiff's guilt had been determined judicially in 1920. Finally, the Court ruled that the statute was not *ex post facto,* since its purpose is not to punish ex-felons, but to devise a needed scheme of regulation of the waterfront.[81]

Justice Brennan concurred separately, stating in a very brief opinion that there was no preemption and no violation of due process, since the statute was a reasonable means of achieving a legitimate state end. Chief Justice Warren and Justice Black registered agreement with the dissenting opinion of Justice Douglas, who argued that *Hill* v. *Florida*[82] was controlling. That case dealt with a Florida law which made it unlawful for one to be a business agent for a union if he had been convicted of a felony. The Court had ruled that the statute interfered with the freedom of choice guaranteed by the National Labor Relations Act. Justice Frankfurter distinguished *Hill* v. *Florida,* pointing out that it was most persuasive that Congress had explicitly registered approval of the heart of the New York legislative program, which had been specifically brought to its attention, whereas in the earlier case no such thing happened. Nor was it true in the Florida case that Congress had fully canvassed through its own investigation, as in the New York case, the challenged state legislation. The three dissenters also took the position that under federal legislation it was clear that federal standards were available to determine the qualifications for holding union officers, while the enforcement of "general criminal laws" by the states remained unimpaired.

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[80] De Veau v. Braisted, 363 U. S. 144 (1960).

[81] See Charles B. Hochman, "The Supreme Court and the Constitutionality of Retroactive Legislation," *Harvard Law Review,* Vol. 73, pp. 692–727 (February, 1960).

[82] 325 U. S 538 (1945).

COMMUNICATIONS

BROOKINGS PUBLICATION PROCEDURES

For the benefit of the readers of the REVIEW, I should like to correct the record on a point of fact in Professor William H. Riker's review of Thomson and Shattuck, *The 1956 Presidential Campaign*, in the December 1960 issue, p. 1018. This has to do with the research and publication procedures of the Brookings Institution.

The authorization of research projects and the decision to publish the results are not made by the same authorities at Brookings, as Professor Riker suggests. The Trustees authorize the project, but the President of Brookings, alone, is responsible for the decision to publish the results. He normally acts on the advice of an advisory committee and on the recommendation of directors of studies. For this book, the advisory committee consisted of five distinguished scholars in the field of party politics, only one of whom had any connection with Brookings. In this instance, also, administrative responsibility for the project changed while it was in progress. Professor Paul T. David of the University of Virginia launched the project when he was Director of Governmental Studies, while I had the pleasure of recommending publication of the manuscript.

All this is set forth on pages v, vii, viii of the book, which Professor Riker must have overlooked.

GEORGE A. GRAHAM
The Brookings Institution

TO THE EDITOR:

I don't blame Mr. Graham for his annoyance at the flippancy of the last sentence of my review of a book he recommended for publication. I apologize for the flippancy.

At the same time, let me stress that the sentence *does not* contain an error of fact as he alleges. Indeed, his letter is itself sufficient proof that the sentence as written is precisely true. Contrary to his assumption, I was not referring to internal procedures at Brookings, but rather to its very constitution, a reference which should be abundantly clear from my mention of the faults, not of its present administrators, but of its original donor. My criticism concerned the fact that the institution has money for publishing its employees' work, even if nothing they produce is worth publishing. (In this sense, Mr. Graham's reference to outside readers is irrelevant. Even though in the larger view, I do not think that this book was necessary, still I too would have voted to publish it had I been on its reviewing committee. After all, the money must be used up.) My interpretation of the constitution of Brookings is fully verified by Mr. Graham when he says that the trustees, which body includes the president, authorize research and that the president, who presumably acts as agent for the trustees, decides on publication.

If there was a misunderstanding, I suppose it was occasioned by my taking up, at the end of a short review, the large and complex question of the proper organization for publishing scholarly research. Although I have never had any personal contact with Brookings (other than reading a pretty large batch of its publications), I felt it incumbent on me to refer, at least, to my opinion, based on this reading, that the constitution of Brookings was an inadequate solution to the problem of organization for publishing. Thereby I hoped to transfer the weight of my criticism from the authors to the institution by which they were employed.

WILLIAM H. RIKER
Center for Advanced Study
in the Behavioral Sciences

TO THE EDITOR:

A book review is intended to be a subjective judgment of a book, and whether it shows good, bad, or indifferent taste is nobody's business but the reviewer's.

I am puzzled, however, by William Riker's stated position with reference to the Brookings Institution. His basic assumptions, it seems to me, are contrary to fact.

In the first place, he says he is "not referring to internal procedures at Brookings, but rather to its very constitution." I have always understood that the major function of a constitution is to allocate powers and to define duties. The allocation of functions between the Trustees who authorize research and the President who authorizes publication, which he refers to so lightly as a mere "internal procedure," is in fact an important part of the "very constitution" of Brookings; so that it can hardly be disregarded.

In the second place, he says that since the Institution has money for publication it must publish any research which it undertakes. This is a *non sequitur*. In a research organization which has a rich and varied research program there is a wide choice of publication possibilities, and funds, unless they are narrowly restricted, can be and sometimes are reallocated. Even when funds have been received for a single, narrowly defined project, we do not always publish the results. Not all research efforts are successful, and in that case we do not publish a report. The President of

Brookings has at times decided not to publish even when a substantial investment in research had been made. These are the facts.

In the third place, he assumes that members of an advisory committee do not exercise independent judgment. He seems to say that he would, in their position, recommend publication even if he thought a book ought not to have been written. What justifies his assuming that others would stultify themselves in this way? The members of our advisory committees do not.

In the fourth place, he presumes that the President's independent judgment in matters of publication is in some way restricted by the Trustees. This assumption is contrary to fact in the entire history of Brookings. President Calkins, and President Moulton before him, have had complete independence in deciding whether books should be published, independence which they are intended to have under the Brookings charter and bylaws. They are also known to be men of independent mind, and their independence of judgment has never been questioned by anyone except Riker. These are the facts as I see them, and I think they can be easily verified by any inquiries he wishes to make.

George A. Graham

To the Editor:

Methinks Mr. Graham doth protest too much.

William H. Riker

ROWE ON THE "TWO-CHINAS" POLICY

To the Editor:

I am puzzled by the inclusion of David Nelson Rowe's essay on the demerits of a "two Chinas" policy in the book review section of the Review, December 1960, pp. 1061–62. Although his article is headed by a reference to *Communist China and Asia* by A. Doak Barnett, he pays so little attention to this book as to suggest he is not reviewing it but commenting *in extenso* on one of its many observations. Comparison of the essay with the book proves that this is, in fact, true. Barnett devotes some 70 pages out of about 560 to the "two China's" question, or roughly 12 per cent, whereas Rowe spends 11 out of 13½ inches of space on this matter, or more than 80 per cent.

Lest your readers should erroneously conclude that Barnett's book is exclusively devoted to the problem of U. S. policy vis-á-vis China, a badly needed study in itself as Rowe's essay indicates, the following information may be pertinent. After an introduction on "the challenge of Communist China," the author devotes two chapters to a penetrating, critical analysis of the domestic political and economic foundations of the People's Republic of China. Then follows the bulk of his study, comprising nine chapters which both summarize and analyze the first decade of PRC foreign policy. Beginning with a theoretical exposition of Mao's strategy in terms of its Marxist as well as its militarist framework, the author delineates the various components which receive different emphasis in PRC policy, depending upon Peking's estimate of the existing situation. No factor is overlooked, including "people's diplomacy," subversion, the overseas Chinese, trade, aid, and the truly disturbing prospect of Chinese nuclear weapons. No area is neglected, whether it be Japan and Korea, south and southeast Asia, or the Sino-Soviet alliance. It is within this context that Barnett's closing chapters deal with the triangular problem of the Republic of China, the People's Republic of China, and the United States.

An extensive, annotated bibliographical note illustrates the problem confronting any scholar who undertakes a serious study of Chinese Communist policy, whether domestic or foreign. The total absence of monographs based on original Chinese Communist sources which deal with political problems of the past decade makes any such attempt hazardous. A cautious chronology will be dismissed as worthless, while thoughtful speculation may be attacked as unproven. Barnett has accepted the latter risk in offering a provocative but illuminating analysis of Peking's policies, based on an exhaustive reading of the voluminous files of translations provided by the American Consulate General in Hong Kong and a careful weighing of the many short studies and articles written by Western scholars, government officials, and journalists. His detached approach does not preclude critical judgment, whether of communist or non-communist policies. It would be surprising if such criticism did not evoke differing responses among his readers. But neither the author nor your audience would seem to be well served by Rowe's extended comment on what, indeed, is only a small portion of this broad survey whose emphasis is appropriately indicated in its title, *Communist China and Asia, Challenge to American Policy*.

Allen S. Whiting

RAND Corporation

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BOOK REVIEWS

With the forthcoming June issue THOMAS H. ELIOT of Washington University becomes Book Review Editor.—MAN. ED.

The Presidency: Crisis and Regeneration, BY HERMAN FINER. (Chicago: University of Chicago Press, 1960. Pp. xi, 374. $6.95.)

America's Capacity to Govern, BY GEORGE A. GRAHAM. (Tuscaloosa: University of Alabama Press, 1960. Pp. xiv, 159. $3.00.)

Since a Presidential year is open season on the reform of the "institution," the wonder is not so much that so many books on the Presidency have seen the light of day during 1960, but that on the whole their quality is so good. Professor Finer's book on crisis and regeneration in the Presidency, of which the sub-subtitle is "An Essay in Possibilities," is definitely in the category of the better books on the subject. It is a remarkably perceptive analysis, rich in historical allusion, of the scope and nature of the Presidential function, of the qualities demanded in the most unusual job in the world, and of the important proposals for the alleviation of what Dean Rusk has rightly labelled the "unbearable responsibility" of the President.

Professor Finer does not shrink from sharp personal judgment of the evidence which he adduces, and while the study is written in an essentially non-partisan vein it carries some hard lines for the recent incumbent. He is especially irked at the way in which President Eisenhower leaned so upon his associates. He writes, concerning the Eisenhower-Dulles relationship "only a weak President allows his Secretary of State to make foreign policy." In the President's relationship with Sherman Adams, he discerns "a surrender of responsibility . . . the most remarkable in American political history, exceeding the trust placed by President Harding in that shady character, Harvey [wasn't it Harry?] Daugherty." Eisenhower, he charges, "pusillanimously" surrendered to George Humphrey in the January 1957 budget fiasco, in effect washing his hands of responsibility for his own budget.

But with his general conclusions and his prescription for the "regeneration" of the Presidency few political scientists or practicing politicians will agree. For while Professor Finer is realist enough to see that the remedy for the profound deficiencies which he describes does not lie in turning the Executive Branch over to Congress, as some political scientists believe, he is not realist enough to admit that the federal system as it has developed in the United States, and the party system which federalism has evoked, provide no foundations whatever for the cabinet government which he adores. Fortunately, one does not have to take the Doctor's prescription—eleven elective vice-presidents, with the President and his vice-presidents organizing and sitting in the House, collective resignation at the will of the Cabinet accompanied by automatic dissolution, a Senate whittled down to the pygmy dimensions of the House of Lords, and all the trimmings. The rest of the book constitutes in its own right a readable and significant contribution to the literature of the Presidency.

George A. Graham's lectures to the Southern Regional Training Program fellows at the University of Alabama, which provide a notable addition to an already distinguished series in the field of public administration, belong to a different order of things. The book, like many in the series, is less a prescriptive treatment of its subject than an introduction to the problem of how to think about the subject. Dr. Graham poses five fundamental questions, all of which run to the heart of the administrative value system: Is man a political animal? Is democracy viable? How can capacity to govern be measured? How can we get leadership in the civil service? How good is the best society?

Dr. Graham does not answer these questions. He does something much more important. He analyzes the pre-conditions of any attempt to answer them. In the process he comes up with some remarkable and highly stimulating reappraisals of social, political and administrative institutions, and their relevance to the needs of contemporary man. The book is an unusually thoughtful, and at times profoundly philosophical, essay on the bases of political and administrative values.

ROWLAND EGGER

University of Virginia

Conflict of Interest and Federal Service. BY THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, SPECIAL COMMITTEE ON THE FEDERAL CONFLICT OF INTEREST LAWS.

(Cambridge: Harvard University Press, 1960. Pp. xvi, 336. $5.50.)

Recent examples of conflicts of interest have served as springboards for actions and programs bearing little direct relevance to the issues themselves. Thus Dixon-Yates was a rallying cry for the supporters of public power; a vicuna coat and an oriental rug unleashed a Congressional attack on the position and power of Sherman Adams; and the unsavory Mack affair and other revelations of the Harris (né Schwartz) Committee were used as justification of attempts further to "judicialize" the administrative process.

Fortunately, and perhaps surprisingly, such incidents also led a Special Committee of the Association of the Bar of the City of New York to prepare and to recommend a program dealing directly with the problem itself. The report of that Committee, whose members commanded a wide range of experience in government, blends careful and informed analysis of existing laws, regulations, and practices with a sound estimate of the needs of the public service and of the environment of the problem.

The Committee found present legislation to be a jumble of over-lapping and conflicting laws, whose targets are areas of risk no longer of significance and the seeming ferocity of whose criminal sanctions is tamed by their obsolescence and opaqueness. Concerned with a "class of lower-ranking politically appointed clerks that has disappeared," these laws are singularly inapplicable in a day when the government "obtains its manpower through a vast civil service, a top revolving group of political appointments, an increasing group of temporary and intermittent employees, and an unlimited variety of contracting-out arrangements."

Furthermore, neither these statutes nor the more modern regulations promulgated by some agencies have enjoyed effective administration. The Chief Executive has never provided the necessary leadership, and, the Committee implies, a gift-retaining White House cannot provide leadership by example. At times Congress has tried to plug the breach, with some success through investigations, but inconsistently and largely ineffectively through its confirmation procedures.

Yet, paradoxically, the most damaging effect of the present system is not on our ethical standards but rather on the recruitment and retention of executives and consultants. Although the line between public and private sectors is becoming more blurred than ever in our mixed economy, and although our national need for "an interflow of men and information" was never greater, the rigidity of our rules unnecessarily raises the personal costs of public service and denies the government many political executives and some kinds of consultative talent.

Accordingly, the Committee proposes legislation better designed, first, to "protect against . . . conflicts of interest and establish appropriate ethical standards with respect to employee conduct in situations where actual or potential conflicts exist," and, second, "not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are most qualified to serve it." In brief, the proposed bill (1) comprehensively defines impermissible transactions and relationships but distinguishes between career and temporary employees, (2) regulates post-employment activities of government employees, (3) charges the President and a central coordinating office with prime responsibility for the evolution of supplementary and interpretive general regulations and of special regulations applicable to particular agencies, and (4) authorizes a range of administrative sanctions to supplement criminal penalties.

Thus this is not a simplistic, "there ought to be a law" approach. Stress is laid on the necessity of vigorous executive leadership, and the expectation is that flexible and informed administration will expand on the statutory framework and largely replace criminal enforcement. The Committee wisely refrains from examining conflicts of interest in Congress, regarding them as a distinctly different problem.

The Committee's accomplishment is impressive. Its analyses are sound, and its prescriptions are persuasive, reflecting a broad range of relevant considerations. Undoubtedly its staff, Bayless Manning and Marver H. Bernstein, contributed significantly to the final result, and perhaps should also be credited for avoiding in large measure that grayness of prose and that ambiguity of statement characteristic of so many committee products.

The Committee's bill, introduced in 1960, died in committee in company with several similar measures, but it is expected to be offered again. Whether this use of scholarly and professional resources, financed by the ubiquitous Ford Foundation, to draft and recommend legislation finally bears Congressional fruit will be interesting to watch. Is it possible that Ford will enable all of us philosophers to become kings?

Joseph C. Palamountain, Jr.
Wesleyan University

The Separation of the Farm Bureau and the Extension Service. By William J. Block.

(Urbana: The University of Illinois Press, 1960. Pp. vii, 304.).

This is an excellent book about an esoteric part of agricultural and political history. Only a few people have been closely involved in the effort the author describes, but one should not let himself be turned away from the book by this adjective any more than someone who does not understand guns should reject a good murder mystery.

Mr. Block is a skillful writer, a thorough researcher and an expert at finding the historical significance in tidbits that would be mere chaff to a second-rater. He did his work at the University of Illinois, last major land-grant College to hold out against separation from legal control over its funds and policies by a farm organization. The author gathered evidence from many states in writing this dissertation, and he had access to the authoritative files of H. P. Rusk, the late Dean of Agriculture at Illinois, who kept advocating the legal tie even after other land-grant colleges had become bold enough to whisper "shame" and seek their freedom.

The long, painful process of separation is sometimes called "divorce," but this journlistic temptation belies the fact that a divorce is between two people, at least one of whom desires to be separated. The Farm Bureau, a general farm organization of great influence, and the Extension Service, a cooperative agency of the federal and state governments, did not want to be separated. It was only after third parties, chiefly the Farmers Union and the Grange, succeeded in showing the public how sinful the life together had been that an annulment—not a divorce—was obtained. The situation briefly was that of a federal agency, the Agricultural Extension Service, dominated by its state branches and thumbing its nose 30 or 40 years at anyone who asked why it was subsidized by one farm organization (the Farm Bureau), had its personnel approved by one farm organization (the Farm Bureau) and gave priority of service to one farm organization (the Farm Bureau). If anyone thinks this was merely an intramural struggle, fanned by competing farm organizations, he will be interested in knowing that it was not until 1950 that a Secretary of Agriculture would testify in favor of federal legislation to force separation. That was Charles F. Brannan, who spoke up after 30 years of the practice.

The legislation then pending failed to pass, but the extensive hearings on it succeeded in breaking the ranks and it was not long before key states put their own houses in order. There is still some connection, but the main battle has been won. Professor Block has described, without taking sides, a complex power structure, as well as the overt and subtle exercises of power among college professors, farm leaders and politicians at all levels. Now that most of the shouting is over, it is difficult to reconstruct and grasp the audacity of the Farm Bureau and Extension Service arrangement. Here, in a little known setting, is a touch of other and better known issues. Here is the power factor found in federal aid to education, the conscience ingredient in ending segregation and the venality of conflicts of interest in high office. It is also a case study in how a smart, hard-hitting minority can eventually reform a smart, complacent majority group.

WESLEY McCUNE
National Farmers Union

Pressure Group Politics. BY HARRY ECKSTEIN. (Stanford: Stanford University Press. 1960. Pp. 168. $3.75.)

Research in political science remains heavily committed to the case method; witness the outpouring of case studies in public administration, practical politics, legislative histories of particular statutes, comparative political institutions, etc. One explanation may be the fact that political research continues to be manned (especially among doctoral candidates) by lone-wolfers with limited resources in time, money, and patience with the demands of scientific theory construction. Hence, most case studies are descriptive, narrative, impressionistic summaries of data. The book under review is an excellent example of how to conduct a case study if it is to have analytic value. Eckstein makes clear his field of theoretical interest and his rules of analytical procedure. He tells how his hypotheses relate to and differ from those in the established literature, particularly the writings of Truman, Beer, and Almond. Regarding the kind of knowledge a case study may produce, he is modest and correct in his expectations: "Case studies never 'prove' anything; their purpose is to illustrate generalizations which are established otherwise, or to direct attention towards such generalizations." (p. 15) From case studies we draw evidence, but not validation.

The British Medical Association, although one of several, is the largest professional association in the medical field in Britain. Established in 1832 primarily as a scientific body, today the BMA is generally viewed "as the doctors' public relations office and trade union, its spokesman before the public and its collective bargaining agent with the government." (pp. 40–41) The political concerns of BMA were not long in appearing, beginning with efforts to obtain legislation during the 1830–1850's regulating entry into the profession and recently climaxed by the passage of the National Health Service Act of 1946 under which British medicine was "socialized."

The author takes three perspectives on pressure group activities, examining (a) their *form* (the principal channels and means through which pressure groups act on government), (b) their *intensity* and *scope* (number of groups engaged in politics, relation of political to other of the group's activities, fervor and persistence with which political goals are pursued), and (c) their *effectiveness* (extent to which public policy decisions are moved toward group's desired goals).

Form of pressure politics is determined by (a) the structure of the decision-making processes which the groups seek to influence, (b) the activities of government, and (c) the attitudinal environment (especially toward the pressure groups themselves). In Great Britain generally and for the BMA in particular, the search for significant points of decision in government leads groups to concentrate their activities on the administrative departments. In the field of national medical policy and service, the Ministry of Health is the salient administrative body; BMA and the ministry have an extremely close clientele relationship as a consequence. Both organizations have also developed striking similarities in bureaucratic structure and leadership, and these enjoy a relatively free hand in policy decision and arrangements. All this in an environment of broad agreement on national medical policy, with ample opportunity for any major controversy to move, on the governmental side, from the Ministry of Health into Parliament and, on the association side, from the BMA Secretariat into the Supplement of the *British Medical Journal* (which is edited "with scrupulous regard for the rights of dissident groups").

With respect to intensity and scope of group activities, the BMA is not alone among Britain's medical associations, although over three-fourths of those eligible are its members—some 69,000 in 1955. BMA leaders are nonetheless sensitive to the preferences of the more prestigeful specialist associations and responsive to BMA's own internal divisions (old versus young, socialists versus conservatives, rural versus urban, private versus public practitioners, etc.). The Ministry of Health administrators may play upon these differences, but do not often; BMA is too useful an adjutant in the administration of the nation's medical policy.

What has been the effectiveness of BMA as a pressure group? Although BMA has lost all the crucial *public* disputes over medical policy in which it has engaged during this century, the Association has an impressive record of not-so-public successes: concessions won during ministry drafting of legislation, during parliamentary debates and in the endless BMA-ministry negotiations regarding administrative implementation of the laws. Two such negotiations—one successful and the other a failure—are reported in detail.

In a concluding appraisal of the group theory approach to politics, Eckstein suggests that it is most useful as a heuristic tool in studying systems in which there exists a great amount of agreement on basic political issues and a high degree of concern with narrowly delimited policies impinging upon technical fields. He further suggests that, philosophically speaking, "the influence of private groups is greatest when, from the standpoint of democratic values, it matters least whether it is great or small." Finally, it is as representative bodies supplementing the political parties that pressure groups make perhaps their most important contribution to democratic systems.

RALPH M. GOLDMAN
Michigan State University

The Twilight of European Colonialism: A Political Analysis. BY STEWART C. EASTON. (New York: Holt, Rinehart and Winston, 1960. Pp. xvi, 571. $7.50.)

The author of this extensive volume emphasizes in his preface that he has confined his study almost wholly to political developments. Nevertheless he provides material on historical, economic, and social aspects when these appear helpful in clarifying political issues. After an introductory chapter in which he broadly surveys the state of the colonial world in 1959, he deals with the British Dependent Territories under several headings—The Crown-Colony System, A New Unitary Nation (Ghana), Countries with a Future as Unitary States (Singapore and Sierra Leone), Countries with a Federal Future (West Indies and Nigeria), Country with a Possible Federal Future (Uganda), Countries where White Settlers Cloud the Future (Rhodesia, Nyasaland, and Kenya), Trust Territories under British Administration, Territories Too Small for Complete Independence, and Territories Disputed by Foreign Powers. This section comprises more than half the book. Overseas France is dealt with in five chapters—Empire, Union, and Community; French West Africa; French Equatorial Africa; Madagascar and Minor

French Territories; and Trust Territories under French Administration. Chapter Sixteen analyzes Belgian paternalism in the Belgian Congo and the Trust Territory of Ruanda-Urundi. A forty-page chapter surveys Portugese Overseas Provinces, and a concluding chapter undertakes a brief analysis of the contrasting policies of the Four Powers.

The book provides much information on the political parties which have emerged in the numerous colonies, the many constitutional experiments which have been tried, the missions, both British and United Nations, to the British possessions, the rivalries between the native groups (reflecting clashes of personalities, tribal versus "natural" interests, and confused thinking on the content of nationalism), and the dilemmas faced in trying to reconcile national independence with imperial unity in the case of Great Britain and the "community" in the case of France. The author is critical of British empiricism and of the British attitude of racial superiority. He thinks that in some respects France has showed more "human" appreciation of non-Western peoples and cultures, and cites the remarkable change in French policy, culminating in the referendum of September 28, 1958, which followed logically from the Brazzaville Conference, 1944. While critical of some aspects of French policy, he is of the judgment that other nations have not given France the credit due to her for some remarkable efforts and achievements. Belgium's policy is treated with sympathy and understanding, its difficulties (which have since exploded into tragedy) noted, and the uncertain future predicted. The chapter on Portuguese-Africa brings out the iron logic of Portugal's theory of colonial administration, the almost complete assumption of the superiority of its policies, and the extraordinary capacity for idealizing its own sense of mission.

Any attempt to cover so wide a field, especially the bewildering variety of problems in the British colonial system, involves the difficult choice of extensity *versus* intensity of analysis, and the allocation of priorities according to the significance of the issues involved. One may feel that Professor Easton could have omitted some very small areas and concentrated on larger ones, but he would undoubtedly reply that his purpose was to provide an over-all view of a world-wide phenomenon. In that aim he has succeeded. He has written carefully and clearly, and his work will remain as a helpful survey to the general student as well as to specialists seeking to compare and clarify their own judgments.

Despite the author's carefully-stated reasons for not including more extensive bibliographical references, this reviewer wishes that he had included additional materials on the French, Belgian, and Portuguese areas, particularly those not in the English language. One marked discrepancy of evidence remains to be noted. On page 204, Professor Easton writes that "Several hundred thousand Africans were arrested, in addition to thousands who were hanged after conviction." A British official statement reports that as of January 12, 1960, when a proclamation was issued ending the state of emergency, 1068 "terrorists" had been executed, and of the 78,000 Mau Mau members originally detained all but 1000 had been released. (Professor Easton in a footnote, page 205, notes only that the emergency regulations were lifted).

LINDEN A. MANDER
University of Washington

The U. N. and U. S. Foreign Policy. BY LINCOLN P. BLOOMFIELD. (Boston: Little, Brown, 1960. Pp. xi, 276. $4.75.)

Popular American attitudes toward the United Nations have been characterized by the assumption that the United Nations presents an alternative to the traditional policies of national governments. Both the "friends" and the "enemies" of the United Nations have shared that assumption. Its supporters have expected the United Nations to provide an escape from power politics, that is, from the intellectual uncertainties, moral liabilities, and political risks which are inseparable from the conduct of an active foreign policy. Others have opposed the United Nations as a plot seeking to subvert the interests of the United States on behalf of alien interests. Sharing the same assumption of a sharp and simple dichotomy between United Nations policy and traditional foreign policy, the two groups reached opposite conclusions. But both groups could draw comfort from the policies the United States pursued within the United Nations as long as the United States was able to use the United Nations as an instrument for the protection and promotion of its interests.

This happy coincidence has virtually come to an end. A new distribution of voting strength within the United Nations and a new distribution of power in the world make it impossible for the United States to count upon United Nations support for its major policies, and make it increasingly probable that the United Nations will at times take a stand openly opposed to the policies of the United States. Furthermore, the same changes within and without the United Nations make it increasingly difficult for the United States to straddle the fence by abstaining from voting when it is called upon to make a choice between the interests of its European allies and the interests of the new uncommitted nations.

This new situation, which has clearly revealed how untenable the simple juxtaposition between traditional foreign policy and United Nations policy is, taxes both the courage of our government and the understanding of public opinion. The danger is acute that a public opinion, thus either strengthened in its hostility or disappointed in its expectations, will turn against continuing American support of a United Nations which may frequently be indifferent and sometimes even hostile to American interests and policies. No more timely remedy against this danger could have been devised than the book under review. It provides a brilliant, incisive, sound analysis, derived as much from theoretical understanding as from practical experience, of the opportunities and pitfalls the United Nations presents for the foreign policy of the United States. It provides indeed an indispensable guide to sound thinking about the United Nations in a period which is likely to see a revival of extreme unsoundness.

However, Professor Bloomfield's book is more than a tract for the times. It is also a theoretical treatise of a pioneering nature and of permanent value. It presents the first systematic attempt at developing a political theory of the United Nations, seen from the vantage point of the United States. Its attempt at establishing a systematic connection between a general theory of international relations, on the one hand, and the institutions of the United Nations and the policies of the United States with regard to these institutions, on the other, is eminently successful.

The great success this book achieves, both in its systematic endeavor and its many judgments on concrete issues of foreign policy, shows again how indispensable a general theory of international relations is for the understanding of the concrete issues of the day. Such a theory, as Professor Bloomfield's theory of the national interest is, must be political in nature; it must be appropriate to, and distilled from, the object of understanding. Such a theory, wisely applied as it is here, illuminates every concrete issue and gives it a meaning and a significance which otherwise it could not have. It also gives political judgment at least a presumption of soundness and a cognitive relevance which a pre-theoretical commonsense judgment generally does not possess.

In sum, this is a book of the very first order. While the foreign service may have a call on our sympathy for having lost so able a servant, the academic profession must be congratulated upon its gain.

HANS J. MORGENTHAU

Foreign Aid: Theory and Practice in Southern Asia. BY CHARLES WOLF, JR. (Princeton: Princeton University Press. 1960. Pp. xix, 442. $7.50.)

This is one of the most interesting and useful books on foreign aid. Political scientists should not be put off when they find a number of pages of mathematics. The author does not think he has found a formula that can take the place of a diplomat or economist, or devised a model that transforms an input of statistics into an output of policy. On the contrary, Wolf is modest and realistic about the use of models and similar devices. Foreign aid has multiple ends; decisions about it involve major variables that cannot be measured; therefore one cannot look to models for answers to policy problems. Wolf stresses the heuristic use of these analytical techniques "to clarify a problem or a portion of it, and to facilitate its exposition, its understanding, and its further investigation." He does very well at it, even better with ordinary prose analysis than with mathematical models.

The greatest contribution this book makes is in helping people to think about problems of foreign aid policy. It does this in several ways. Well over half of the book consists of a phase by phase and year by year account of American aid in Southern Asia, from Afghanistan to the Philippines, through fiscal 1957. The emphasis is on allocation which Wolf calls "the core of the continuing debate on foreign aid." In tables and text he examines the annual distribution of aid between military and non-military purposes, among economic uses, and among countries. Without trying to write a detailed history of American aid policy in Southern Asia, Wolf gives concise explanations of the principal political and strategic factors that shaped it and of changing ideas about aims and threats that influenced allocations.

Running along with the historical discussion is an analytical commentary. Its aim is not to show what aid did or did not achieve but "to help clarify the yardsticks that may be involved in appraising the returns from alternative allocations." This involves some play with ideas about the optimum use of foreign aid even though, as Wolf says, "In practice, 'optimality' is perhaps the most unrealistic characteristic to assume about actual aid allocations." This exercise does not seem to me to promise very great results for policy formulation but Wolf does a lot to sharpen some of the issues that are involved, willy-nilly, in whatever decisions are made. This is particularly true of his emphasis on the marginal productivity of aid and its key role in judgments about different circumstances and objectives of policy.

Wolf also makes some contributions of a very practical sort. Foreign aid data often baffle or mislead people who must use them to study foreign policy. There are many passages in Wolf's book that explain the intricacies of aid practice and terminology quite clearly and that make distinctions that are often overlooked. In nursuing his study of allocation problems he has gone to great pains to break down that muddy aggregate, "defense support," and has produced some useful sets of figures. There is also a good discussion of substitutability of one kind of aid for another and of foreign aid and other resources available to a country.

In later chapters, along with a discussion of the objectives of aid and the problems posed by Soviet aid in Southern Asia, Wolf presents some models that might be applied to aid problems. The most interesting is an attempt to link aid and political behavior by constructing an index of "political vulnerability" based on indicators of economic expectations, aspirations and living standards. This is ingenious and very debatable. Wolf recognizes the weaknesses and presents the formula only as a rude working model of a tool, inviting testing and improvement. No doubt efforts like this should be pursued and in the age of computers it would be foolish to scoff at what might be accomplished. But skepticism remains in order both as to the make-up of the input and the significance of the output. If all the model makers were as careful and self-critical as Wolf the results would be clarification rather than pretension. Whatever the outcome of that effort may be, the book in hand is already a valuable tool, and one that will fit more hands than some of the fancier devices.

WILLIAM DIEBOLD, JR.
Council on Foreign Relations

China Crosses the Yalu. BY ALLEN S. WHITING. (New York: Macmillan, 1960. Pp. xv, 219. $7.50.)

As history progresses, the Chinese Communists' decision to send their forces across the Yalu into Korea will increasingly loom as one of the decisive events of the crisis-ridden era since 1945. It won China a new respect (not unmixed with fear) befitting a Great Power; and it confirmed the Communist assumptions about the basic antagonism between Capitalism and Communism, and the wisdom of "leaning to one side." For America, the consequences were equally fateful: the "war we didn't win" led to a reaction against the concept of limited warfare; and conversely, it confirmed the traditional American approach to war which allows this country either to abstain from "power politics" and remain morally pure, or launch an ideological crusade "to make the world safe for democracy" by completely destroying evil despotic regimes. This all-or-nothing concept of war, so characteristically embodied in the Eisenhower policy of "massive retaliation," has made it impossible to end the nation's customary divorce of power and policy which has resulted in an inflexible military strategy and paralyzed diplomatic posture.

This study, therefore, clarifies a key decision. Whiting carefully reconstructs the developments of the war as viewed by Peking; and this reconstruction on the basis of English, Russian, and Chinese sources, it should be added, is always judicious, balanced, and eminently sensible. He finds that the Chinese neither participated in planning North Korea's initial aggression nor intervened later due to Soviet pressure. His evidence suggests, furthermore, that when the UN forces held at Pusan and a successful counteroffensive became only a question of time, the Communists sought to end the war on the basis of the *status quo:* by means of Russian diplomacy at the UN and Chinese hints—later, threats—to intervene if American forces crossed the 38th parallel. Whiting here confirms in abundant detail earlier analyses that China's increasing identification with the survival of the North Korean regime began not after Inchon in mid-September, but in late August; Inchon merely intensified Chinese fears of American power on China's Rio Grande and increased the frequency and bluntness of these warnings. China's intervention, in short, was defensively motivated and only reluctantly made.

The most revealing aspect of this entire episode, however, remains the utter lack of "communication" between the two sides; both failed completely to interpret the other's intentions correctly. The Chinese "ascribed motivations and patterns of decision making to 'Wall Street Warmongers' and 'Anglo-American imperialists' and in other ways departed sharply from reality. Peking failed to understand the pluralistic political process in the West and failed to differentiate between the true locus of power in Washington and the confusion of voices on both sides of the Pacific Ocean. Utterances by 'authoritative spokesmen' in Tokyo were given equal weight (if not greater) with statements from Secretary Acheson and President Truman. *Ad hoc* American decisions on Korea and Taiwan were interpreted as the outcome of carefully designed schemes for 'aggression' in Asia. Failure to comprehend the frame of reference within which Washington reacted led Peking to miscalculate the effect of communications designed to deter the U. S., and to exaggerate the threat posed by actual U. S. "intentions." The American Government was equally frozen in its own illusions. It believed that China's "national interest" was in conflict with Russia's alleged domination of China; thus, Mao Tse-tung, about to change his name to Mao Tse-tito, would not pull Stalin's chestnuts out of the fire. Marxist-Leninist fears of American power on the Yalu were minimized.

One can only hope that if in the Era of the New Frontier power and policy are harmonized and limited wars are fought if necessary, American policy-makers will avoid this kind of miscalculation; if they again fail to analyze correctly the enemy's intentions and to anticipate his responses, they may raise the level of violence to thermonuclear proportions. This is the sobering thought on which Whiting's first-class RAND Corporation study concludes.

JOHN W. SPANIER

University of Florida

The Russian Communist Party and the Sovietization of Ukraine. BY JURIJ BORYS. (Stockholm: Kungl. Boktrycheriet P. A. Norstedt & Sonel. 1960. Pp. ix, 374.)

The Union Republics in Soviet Diplomacy. BY VERNON V. ASPATURIAN. (Geneva: Libraire E. Droz. 1960. Pp. 228. F.20-)

Jurij Borys in his study on the Sovietization of the Ukraine has given the scholarly world the most documented history and analysis of the problem of the relationship between the Russian Communist regime directed from Moscow and the Ukrainian political question from 1917 to 1923 which has so far appeared in the West. Vernon Aspaturian's book is an excellent account of a very important problem of Soviet government: the relationship between the Union Republics and the Soviet federation in not only the formulation of foreign policy but also the administration of foreign policy. Borys' book only covers one of the fifteen Union Republics, while the Aspaturian study attempts to include all of them within a specified framework in Soviet constitutional theory and practice. The two books are outstanding in their extensive use of documentary material and in putting together an intricate exposition of two aspects of the Soviet nationality question.

The Borys book is concerned primarily with the degree to which the so-called Communist doctrine of self-determination has been followed in the early post-World War I history of the Ukraine. Borys starts his book with a survey of the Communist doctrine on the idea of the self-determination of nations, particularly the writings of Marx and Engels, and then moves into a general description of the Ukrainian problem in Russia. He does discuss very briefly the natural resources of the Ukraine and some of the social and economic conditions of the Ukraine before the revolution. After this introduction, the reader is lead into a very extensive treatment of the Ukrainian National Movement before the February 1917 Revolution. The author discusses the various political parties operating in the Ukraine before the Revolution, and continues this with a discussion of the political parties in the Ukraine after the Revolution of February 1917.

The essence of Borys' work is the detailed account of the impact of the Russian Communist Party on the Sovietization of the Ukraine. Commencing with the idea of the nationality question, which Lenin defined as "the closest drawing together and subsequent merging of all nations," the author shows how the Russian Bolsheviks led by Lenin attempted to organize all nationalities within what was Imperial Russia, into a single political party. As for the theoretical question of the Ukraine having a more restricted proletarian base than that of Russia itself, the author concludes that "the Ukrainian population was not particularly ready for the Socialist Revolution, but rather for the agrarian revolution." He also shows that the leadership in the stratum of the proletariat to direct the revolution was more Menshevik- than Bolshevik-oriented. He also points out that the ethnic antagonisms within the Ukraine made a united Russian Social Democratic movement impossible on a voluntary basis. The division of Russian, Ukrainian, and Jewish political factions in the Ukraine in the early period did not facilitate the unity which was envisaged by Lenin. After the February Revolution in Russia, the Provisional Government had to recognize the Ukrainian autonomous movement as a valid one. The Provisional Government went into negotiations with the Ukrainian Rada. The Ukrainian Rada was short-lived. With the collapse of the German occupation in Russia and the emergence of the Bolshevik State, the Soviets consolidated their power in the Ukraine.

The Ukraine did have an important economic value to the viability of the new Soviet Republic because it was rich in raw materials and grain which were so necessary to the maintenance of the newly functioning Socialist economy. The soviets had first recognized the independence of the Ukraine by proposing to negotiate with its government in 1918. When this was unsuccessful, the Soviet military attempted to divest the industrial regions, including the Don Basin, from the Ukraine, but these efforts were momentarily unsuccessful. In 1919 the Ukraine was a battlefield between the Reds and the White forces led by General Denikin, but the military defeat of Denikin in early 1920 made inevitable Soviet rule in the Ukraine. Borys discusses the history of these events in considerable detail backed up by impressive documentation.

In summing up the role of the Russian Communist Party in the Sovietization of Ukraine, Borys states that "the introduction of this regime was not a consequence of the internal political and social situation, but a result of an external intervention, of a military victory by the Red Army of Soviet Russia." Borys takes issue with Western historians of this period like E. H. Carr who imply that the arrival of the Soviet Army in the Ukraine was essentially welcomed by the people as a stabilizing influence. Borys does not believe that the Soviet Army was welcomed in the Ukraine, nor did the Ukrainians accept the Bolsheviks as the "least of possible evils." Borys closes his very exhaustive history of this period with an analysis of the measures undertaken by the Soviet authorities in the early twenties to establish the nationality principle with national republics making up a Soviet Federation.

Aspaturian has marked out for his research another aspect of this problem. While his book is not directly concerned with the Ukraine, or any other specific Union Republic of the Soviet Union, he attempts to extract from the history of the relations of the Union Republics with the federal government, the principles of the Soviet federal system as they apply specifically to foreign policy. Aspaturian's work is, to a large extent, a commentary on the Constitution of the Soviet Union as it relates to the federal idea and the role of the Union Republics in Soviet diplomacy. On February 1, 1944, the Soviet Constitution was amended to permit the then sixteen Union Republics to have their own foreign offices and commissariats of defense, as well as formations of troops.

Aspaturian deliberately does not in his study attempt to develop the theory and practice of Soviet federalism, but tries "to explore the use of Soviet federalism as an instrument of foreign policy." Much of the book deals with the history of the roles in foreign affairs which Union Republics have played in the international bodies, such as the United Nations and its affiliated organizations.

While Aspaturian's book does not have the scholarly documentation of Borys, it nevertheless is a significant contribution in the field. Aspaturian concludes that it may no longer be valid to think of the Soviet Union as the system of a world state which was the dominant idea during Stalin's rule. The offsetting factor has been the tremendous rise of competing socialist states, such as China and others, which are most likely, as the author points out, not to be candidates for Union Republic statehood.

WILLIAM B. BALLIS

University of Michigan

Industrialism and Industrial Man. BY CLARK KERR, JOHN T. DUNLOP, FREDERICK HARBISON and CHARLES A. MYERS. (Cambridge: Harvard University Press, 1960, Pp. 331. $6.00.)

Written by four of our most eminent labor economists, this book reports on the general conclusions to date of the most elaborate industrial relations research project ever undertaken. The project has already sponsored more than 40 studies in 35 countries and has stimulated the publication of 12 books and 21 articles since 1954. It will go on for an indefinite time to come, financed generously by the Ford Foundation.

Dissatisfied with what they regarded as the culture-bound inadequacies and inaccuracies of the leading extant theories of the labor movement (Marx, Perlman, and Mayo are especially criticized) the authors have attempted to formulate a global theory of labor-management relations which takes account of differences among countries in various stages of industrial development. Their major contribution, and it is an important one, is to call attention to the great variety of patterns of management, labor organization and protest, and labor recruitment associated with diverse cultures and degrees of industrialization. Their most original findings naturally concern the underdeveloped countries. Major emphasis is placed on the need to look beyond the confines of the single company or plant in order to study the "web of rule" emanating from the family, the state, industry, the church, and other institutions empirically found to be relevant in particular societies.

A number of the conclusions challenge widely held assumptions. The authors find, for example, that labor protest typically "peaks" early in the course of industrialization and then subsides, giving way in advanced societies to practical bargaining and negotiation. Labor organizations thus stop being ideological protest movements and become part of the establishment. The authors believe that the character and quality of management is the most significant influence on the course of industrial relations. Indeed, they base much of their analysis upon the identification and typical behavior of five ideal-type elites: dynastic, middle class, revolutionary intellectual, colonial, and nationalist.

The strength of this book lies in the breadth of its geographical and historical range; its weakness lies in its lack of depth and in the frequent absence of rigor and attention to relevant theory that characterize its most dramatic generalizations. Though Perlman, the Webbs, and Marx all suffered, as this study convincingly argues, from too narrow a range of observation and sometimes from seriously erroneous assumptions, they provide a measure of insight and a kind of intellectual stimulation which this book lacks. Too often the emphasis on ideal-type elites yields only facile labels rather than searching analysis of the followers, cultures, and institutions that explain the elites. The "logic of industrialism" is another label which sometimes serves to supplant rather than to encourage research and analysis.

Government receives relatively little attention. In spite of their useful notion of a web of rule, the authors ignore almost completely the dynamics of group involvement in public policy formation, particularly the bearing of anthropological and psychological findings regarding the role of the irrational in primitive and advanced societies. The treatment of the highly industrialized countries under middle class elites tends to concentrate upon markets and individual choice rather than to note the limited role of these institutions. And the bearing of automation is surprisingly ignored even when the authors are forecasting the shape of the future, a relatively slight variation on contemporary America which they label "pluralistic industrialism."

Some of the earlier publications stimulated by this project, especially those written by Kerr and Dunlop, do rather better on many of these matters, and a list of these articles and books appears in an appendix. It may well be that future reports will supply additional depth. In any case this book is certain to be much discussed for a long time, serving as a stimulus and a foil for students of industrial relations as well as those in related disciplines.

MURRAY EDELMAN

University of Illinois

The Politics of Mass Society. BY WILLIAM KORNHAUSER. (Glencoe, Illinois: The Free Press. 1959. Pp. 256. $5.00.)

Social scientists sometimes have been tempted to divide all politics into good politics and bad politics. More tolerant than many earlier writers, Professor Kornhauser is willing to include into the world of good, democratic, or "pluralistic" politics a wide variety of trends and practices—conservative or liberal, principled or opportunist, honest or corrupt—so long as their adherents remain "integrated" in society, that is, members of many different small and intermediate groups. Bad, extremist politics, on the contrary, are limited to "mass politics," that is, almost entirely to fascist and Communist movements. It is these movements—including the Poujadists of France, the Monarchist and Nenni Socialists in Italy, and the supporters of the late Senator Joseph McCarthy in the United States—that appeal most of all to the "alienated," "isolated," and "unintegrated" members of the various social classes—those who are relatively poorer, less educated, more insecure in income or more marginal in status and position, and above all, who are members of few or no organizations and small groups, and who participate less in communication. The number of such "unintegrated" persons may increase not only in depression, but also in boom times with rising income and rapid economic development.

Fascist movements, says Professor Kornhauser, appeal mainly to the unintegrated members of the middle class; Communism appeals mainly to the comparable element among workers; both types of movements, however, get a good deal of human driftwood from all classes. Social integration—the multiplicity and strength of small group memberships—is thus a measure of probable resistance to totalitarian appeals, while lack of such integration is a measure of potential vulnerability to extremist propaganda.

Much of this is true, and even more of it well-known. The attraction of extremist movements for insecure, marginal, or declassé persons from all classes has been perceptively discussed by Harold Lasswell, Franz Neumann, Sigmund Neumann, and many others in the 1930's, as well as in the more recent work of Morton Grodzins on loyalty, and it has been documented in a rich literature of sociological studies. The present book brings much of this material together; it reproduces many helpful tables and data, and it includes an incomplete but highly useful bibliography. Altogether, it is the most extensive and systematic recent treatment that the subject has received.

The Politics of Mass Society is thus one of the most searching and thoughtful surveys and discussions of its subject. It probes its material for more comprehensive meanings and more consistent correlations, in order to organize them into an effective theory of political behavior. In this attempt, it seems to me, the book does not succeed. The generalizations at the ends of the chapters do not go much beyond the useful service of confirming the commonsense notion of the importance of psychological insecurity and social isolation as factors favoring extremist political behavior, and of modifying the earlier commonsense notion of the singular importance of class position. This evidence is worth having, but it is not a new theory of politics.

Kornhauser's book is an important contribution, which raises major issues. If used uncritically, however, some of the implications of this work could be seriously misleading. Its conceptual division of politics into "mass" and "nonmass" phenomena could become a bed of Procrustes, on which case studies would rest at their peril. Are Nenni's Socialists "extremist" in the same sense as Fascists or Communists are? Is it wise to deal mainly with the similarities among the latter two movements, or should a more rounded treatment not also bring out more fully the differences between these two in ideology and behavior, as well as in recruitment—a feat which Hans Kohn accomplished in ten brief pages in *Revolutions and Dictatorships* more than twenty years ago?

Where in this simple dichotomy would Professor Kornhauser put the many nationalist movements in the underdeveloped areas? How are Gandhi's Indian Congress Party, Sun Yat Sen's Kuo Min Tang in the early 1920's, the followers of Mustafa Kemal, of Kwame Nkrumah, of General Nasser, of Fidel Castro all to be fitted into this scheme? At what point, or at what date, does a movement cross the line into "mass politics" and "extremism"? And how helpful are the categories of "integration" and "alienation," "intermediate groups" and "mass society" *in themselves* in explaining just what drives these movements and their members?

Professor Kornhauser, like Edmund Burke before him, sees revolutions and pseudo-revolutions mainly as deficiency diseases, caused by lack of social integration. He might have paid more attention to crisis situations—so frequent in our century—which generate urgent needs and make also many "well-integrated" people vulnerable to the appeals of extremist politics. His own data show that not only the "alienated," but also many "well-integrated" individuals supported totalitarian movements. He only notes, without deeper study, the process of social mobilization which accompanies economic development. He does not stress the widening of human horizons and the growth of human capabilities which often accompanies social mobilization and the transition to technological and political modernity. He shows no evidence of familiarity with such authorities as Daniel Lerner, Gabriel Almond, and James S. Coleman. In contrast to these writings, Professor Kornhauser's description of the Russian Revolution sounds oddly simplified:

> In the villages of Russia in 1917, an inferior political consciousness born of non-participation in the larger society permitted the peasants to be swayed . . . depending on the intensity and persistence of pressure applied by the various competing movements. Apparently often there was a herd and it did stampede. (P. 209, with reference.)

This image of passive peasants, somehow swayed by outside pressure groups and stampeding like cattle, is hardly an adequate guide to the understanding of the Russian Revolution, or of many of the other major upheavals of our time, which still include the decisions and actions of human beings, however misguided we may often think them.

We live indeed in an age of mass politics, and Professor Kornhauser has cast valuable light on some of its aspects. A more balanced and deep-probing analysis of its problems is still to be written, and one can only agree with the author's concluding hope that his own "concepts of mass society and social pluralism [will] . . . stimulate further studies of the social bases of political integration and autonomy." Toward that end the present book is making a distinguished contribution.

KARL W. DEUTSCH

Yale University

What Is Political Philosophy? BY LEO STRAUSS. (Glencoe, Illinois: The Free Press. 1959. Pp. 315. $6.00.)

During the past decade few teachers of political philosophy in this country have had an influence comparable to that of Professor Leo Strauss of the University of Chicago. As any reader of the journals or anyone who has attended professional meetings is well aware, his disciples are numerous, articulate, and ever ready to do battle against the "enemy"—positivism, "scientism," and historicism.

Despite these discussions and the publication of studies by Strauss on Hobbes, Machiavelli, Xenophon, and natural right, students of politics will find it useful to have available in this collection of essays and reviews a statement of his fundamental ideas about the nature and function of political philosophy. The first three essays, "What is Political Philosophy?", "Political Philosophy and History," and "On Classical Political Philosophy," will give the reader an outline of Strauss' position, while the essays on Fārābī, Xenophon, Maimonides, Hobbes, and Locke and the shorter book reviews will demonstrate how these ideas are applied to particular problems and texts in political philosophy.

Strauss argues that political philosophy, which he defines as "the attempt to replace opinion about the nature of political things by knowledge of the nature of political things" (pp. 11–12), *i.e.*, by knowledge of the right, or the good, political order, attained its highest development in the works of Plato and Aristotle. Later political philosophers, especially in the period from the sixteenth century to the present, represent a falling away from the wisdom of the Greek masters. The nadir has been reached in our time. "The very possibility of political philosophy" has been destroyed by "Science and History, those two great powers of the modern world," (p. 18) and, today, political philosophy is "in a state of decay and perhaps of putrefaction." (p. 17) Nor are we permitted the consolation of thinking that "political science" will perform the functions of traditional political philosophy. Since political science ignores the fundamental questions—what is the best political order and how can it be brought into being or at least approximated?—it leads only to "thoughtless acceptance of received opinion." (p. 24)

Limitations of space compel the reviewer to select for brief discussion only one of the many problems raised by Strauss' analyses. In his interpretation of the history of political thought he holds Machiavelli responsible for effecting the significant break with the classical tradition. Rejecting the classical view that the goal of political life is virtue and that the best form of the state is aristocracy, Machiavelli argued that virtue was simply that which was conducive to the attainment of the common good, defined in terms of freedom from foreign domination, stability, prosperity, and glory. He continued his assault on classical wisdom by insisting that morality was possible only within the structure of an ordered society, and that such an order could be created only by the immoral actions of the founder of a state.

Strauss' thesis leaves unexamined the possibility that the decisive break with classical political philosophy was accomplished, many centuries before Machiavelli, by the Church Fathers, especially by St. Augustine. In the patristic tradition God's grace and its instrument, the Church, replaced the social and political order as the source of true virtue. The state was regarded as a remedy and a punishment for the Fall; its primary function was to repress at least the most serious outward manifestations of man's sinful egoism. A thousand years before Machiavelli, Augustine called attention to the striking similarities between kingdoms and bands of brigands, manifested complete indifference towards the problem of the best form of government, and sharply underlined the fact that the fratricide which had accompanied the founding of the first earthly city was reenacted when Romulus and Remus created the Roman state.

HERBERT A. DEANE
Columbia University

BOOK NOTES AND BIBLIOGRAPHY

POLITICAL THEORY, HISTORY OF POLITICAL THOUGHT, AND METHODOLOGY

A Study of the Political Philosophy of Juan De Mariana, S.J. By Guenter Lewy. (Geneva: Librairie E. Droz. 1960. Pp. xxxvi, 204. Frs. 20.).

Most students of political theory are familiar with Lord Acton's opinion that "the greater part of the political ideas of Milton, Locke, and Rousseau may be found in the ponderous latin" of the Spanish Jesuits of the sixteenth and early seventeenth centuries. Equally familiar is the reputation of Juan de Mariana as a principal defender of the allegedly "Jesuitical" doctrine of tyrannicide. But few have taken the trouble to read far in Mariana's works—even though the *De Rege* is available in English.

Mariana's political writings included not only the famous *De Rege* and the once-popular *History of Spain*, but also a controversial essay on the debasement of the Spanish currency and an equally controversial *Discourse* on the government of the Society of Jesus. Guenter Lewy has analyzed Mariana's political philosophy with admirable thoroughness, precision, and objectivity. He does not make undue claims for Mariana as a philosopher; rather, he portrays a scholar of courage and integrity, deeply concerned about the practical problems of the government of Spain and of his Order. Without unnecessary detail, he keeps before the reader a clear outline of the complex background of Mariana's writings and also relates his political theory to scholastic philosophy and to the writings of the Spanish Renaissance.

The keys to Lewy's interpretation of Mariana are his statements that "Mariana is a Spaniard first . . . and only then a Jesuit" (p. 79) and that "Mariana's reasoning is far more secular, practical, and utilitarian than that of his Spanish Jesuit contemporaries" (p. 62). Thus Mariana's interpretation of traditional theory reflects "his ardent desire to restore the constitutional tradition of the Middle Ages and especially the medieval constitution of Spain which he associates with Spain's greatness in earlier days" (p. 162). Mariana was not content to repeat the familiar proposition that kingship was established by the commonwealth and was subject to the restraint of law; he specified matters in which the authority of the king was subject to restraint by the community acting through the Estates. His discussion of resistance to tyrannical rule was basically traditional; it was exceptional, however, in the attempt to deal with the practical problem of the role of the Estates *vis à vis* a tyrannical ruler and the more difficult problem of individual action against the ruler when the Estates were rendered incapable of acting. Significant evidence of both the Spanish and the secular orientation of Mariana's political thinking is the omission from his argument at this point of any appeal to the authority of the Pope in justification of resistance, such as appeared in the writings of other leading Jesuits. Thus it is ironical that Mariana should be singled out as the exponent of a peculiarly "Jesuitical" doctrine. That Mariana should become a symbol of his Order is the more ironical in view of his involvement in a revolt against the hierarchical government of the Society and his willingness to apply to it the same general principles of government as he thought should apply to secular rule.

In general, the book is less satisfying when the author moves from Mariana and the problems of his time to more general problems of theory and its application. Although he properly points out that Mariana's view of the origin of the state is remote from that of the later social contract theorists, he also, in my opinion, exaggerates Mariana's originality on this point. Mariana's combination of the Aristotelian-Thomistic view of the state as a natural necessity with a description of its origin in the voluntary agreement of previously non-civil men was a fairly conventional pattern in medieval thought. What was novel in some sixteenth-century thinkers was the sharp contrasting of the one causal principle with the other; but Mariana was thoroughly traditional in ignoring this new trend. Lewy's brief comments on the concept of the state of nature and on "the organic doctrine", at the end of Chapter III, and his brief comment on the significance of a right to resist, at the end of Chapter V, are, compared with the rest of the book, rather perfunctory. On the latter question, however, we shall hear more from him in an article to be published before this review. And queries about some details do not significantly lessen our debt to him for a first-rate book.—John D. Lewis, *Oberlin College.*

A Study in Austrian Intellectual History from Late Baroque to Romanticism. By Robert A. Kann. (New York: Frederick A. Praeger. 1960. Pp. xxii, 367. $6.00.)

In this series of five integrated essays, the author assumes, without demonstrating, that the

German element of Austria and the concept of the "era" are basic units of intellectual history. Three of the essays concern the eras of the Austrian Baroque, the Enlightenment, and the conservative age of Emperor Francis I. Two other essays are biographical interpretations of Abraham a Sancta Clara (1646–1709), and Joseph von Sonnenfels (1732–1817). Kann chose these two persons because they represent intellectual elements of the Austrian Baroque and Enlightenment respectively, and because they were themselves "type-forming" influences on future patterns of Austrian thought.

Kann sees the Baroque era in Austria as a time of inner contradictions that resulted from the attempt to retain the basic feudal structure of society while accommodating the forces of emerging modern times with a facade of innovation. In the same spirit of inner conflict, Abraham produced an abundance of literary innovations and a completely new style of homiletics, but these instruments were used to serve an irrational, static, caste-bound, medieval state of mind. Hence, Abraham represents the neurotic conservatism of the Baroque age!

The Enlightenment, however, sought thoroughgoing change. Disdainful of tradition, outspokenly rational in approach, and humanitarian in its end, the Enlightenment found a true child in Sonnenfels. Renowned for his zeal for reform and for his officious and autocratic manner, Sonnenfels' very status as a bureaucrat bore the stamp of the Enlightenment. Kann is sharply critical of Abraham but treats Sonnenfels more positively.

The author's attempt to draw a parallel between Abraham and the Christian Socialist Mayor of Vienna, Karl Lueger, is unconvincing. The "pendulum theory" of intellectual history seems to be an elaborate figure of speech. This theory holds that, while institutional history may develop in a direct evolution from era to era, intellectual history works on principles of action-reaction, which produced an uneven "pendulum" action. In this reviewer's opinion the base of this study is far too limited to make observations on general intellectual history. Disturbances outside Austria, such as the French Revolution and the Napoleonic adventures, played such a prominent part in the reaction during the era of Francis I (a major element in Kann's argument), that a natural swing of an Austrian intellectual "pendulum" cannot be demonstrated, much less a "pendulum" for all intellectual history.—GERALD H. DAVIS, *Salisbury (Maryland) Teachers College.*

Ethics in a World of Power; The Political Ideas of Friedrich Meinecke. BY RICHARD W. STERLING. (Princeton, N. J.: Princeton University Press. 1958. Pp. xi, 318. $6.00.)

Friedrich Meinecke was one of the greatest political historians of his time. His work is part of the great tradition which looks back to Ranke as its master. Yet it is Meinecke's distinctive quality, which connects him with the ancient tradition of historiography, that his major works attempt to give an answer, by way of historic reflection, to a contemporary political problem. Thus before the First World War he endeavors to give the German Reich founded by Bismarck a historical justification. Then he tries to come to terms with the collapse of that Reich in defeat and revolution by tracing the history of the reason of state. Then he searches in historicism for an explanation of the impotence of the intellectuals and of society at large in the face of Nazism. And finally the catastrophe of 1945 calls forth a more direct analytical attack upon a contemporary problem.

There can be no doubt that the impulse from which Meinecke wrote history was always political and philosophic as well. That impulse did not prevent Meinecke from becoming a great historian. It did not ruin him as a historian as it did Treitschke. But was that impulse sufficient to make Meinecke into a great political philospher? This question is being raised by the book under review. It is a brilliant and incisive book. It is a first-rate contribution to intellectual history. It brings excellent philosophic judgment to bear upon a great mass of scattered material which is fully systematized. It follows in moving detail the intellectual odyssey of an honest intellectual and a sensitive moralist who tried to come to terms through the writing of history with the shattering political experiences of his age. The reader cannot but share the author's sympathy and affection for his subject. Yet in the end this reader at least is compelled to raise the question, was Meinecke really a political philosopher? Did he really contribute something in a systematic way to our understanding of the relations between ethics and politics? The answer, it seems to me, must be in the negative.

The book that deals most directly with this central problem of political philosophy is *Machiavellianism; the Doctrine of Raison d'État.* I read it twice, once as a student in the mid-twenties, and then again after the Second World War. In both instances, I read it in order to get an answer, or at least the beginnings of one, to the question, how could one be a politician and a moral man at the same time? Both readings left me personally moved but intellectually dissatisfied. For the last chapter of the book, which presents the philosophic conclusion from the historic narrative, is utterly unsatisfactory from a philosophic point of view. Philosophically speaking, it leaves things very much as it found them. It peters out into the sentimental exhortation to do the best one can in this kind of a world. But in this philosophic failure it presents a moving picture of an honest mind vainly struggling to master one of the great intellectual issues of politics.

What can be said of the last chapter of this book applies with equal force to the philosophic content of Meinecke's work as a whole. Its value is biographical and symptomatic rather than philosophic in the systematic sense of the word. The reason for this philosophic failure is to be found both in Meinecke's personality and in his approach to the problem, and both are naturally interconnected. Meinecke's political philosophy was essentially that of a liberal who tried to harmonize first Bismarck's state with the cosmopolitan tendencies of an earlier age and then, on a larger plane, the world of power with the world of ethics. That harmonization was in the nature of things impossible; for the nature of things points to an incompatibility which a tragic view of political life may elucidate, but which no valid political philosophy can eliminate. It speaks for the political astuteness and intellectual honesty of Meinecke that in the end he recognized that impossibility and drew the only possible conclusion from that recognition: the need to transcend the nation state itself as the principle of political organization.

It is not by accident that a thinker bent upon harmonizing what is incompatible should choose historiography rather than philosophy as vehicle for his thought. For the historic method allows one to show by implication that what follows each other in historic sequence or occurs simultaneously may also be compatible philosophically. Thus the historic narrative itself harmonizes what philosophic analysis shows to be inescapably in conflict. Meinecke, having been a tragic figure in the political world himself, was unable to transcend the tragedy of politics through philosophy; he could only account for it through the writing of history.

To have shown all this, partly by implication, partly explicitly, is the great merit of Professor Sterling's book. It is a model of a monograph. The incisiveness with which it lays bare the theoretical elements in a great historian's thought is instructive far beyond its subject matter. And the sympathetic understanding with which it follows the intellectual and moral tribulations of a great and sensitive mind adds a new dimension to a perennial problem of political philosophy.—HANS J. MORGENTHAU, *University of Chicago.*

The Unfinished Revolution: An Essay on the Sources of Influence of Marxism and Communism. BY ADAM B. ULAM. (New York: Random House, 1960. 307 pp. $5.00.)

In this suggestive book, Professor Ulam plunges into the heart of some of the most important problems posed by contemporary Communist developments. The benefits of travel in the USSR and the bloc begin to pay off; the limitations of library research are transcended. A fine historical sense combines with an abiding interest in the present and future to produce high level and sophisticated speculation. Few will agree with everything that Ulam says, but many will find fresh insights and original and stimulating analysis.

The author addresses himself to the problem of Marxism's vigor and appeal in some societies, and its apparent lack of them in others. He finds fundamental paradoxes (the dialectic?) in its appeal: industrial yet anti-industrial; anarchy and ordered discipline. He finds Marxism peculiarly relevant in pre-industrial societies on their way to industrialization, and largely irrelevant after industrialization has been accomplished. He finds the psychological change from peasant to industrial worker a key accomplishment of Marxism and a major source of its vitality in pre-industrial, but changing, societies. Ulam stresses the idealistic and humanistic appeal of Marxism, despite its awkwardness and its clear errors. He argues that we may all easily demonstrate how "wrong" is the theory of surplus value, but that this hoary doctrine at least places primary emphasis on the *people* who must work the machines. He suggests that a new proletariat only slowly becomes reconciled to its changed role, and that Marxism's anti-capitalism provides an outlet for the workers' hatred of the machines which seem to enslave them.

Ulam finds Marxism " . . . a master revolutionary formula for the underdeveloped areas" and " . . . the natural ideology of underdeveloped societies," but seriously eroded and secularized in the contemporary USSR: "Marxism . . . has concluded its main work in Russia." He deduces from this that only foreign expansion can justify and maintain Russian ideology, and suggests that the very preservation of Marxism and totalitarianism in the USSR depends now on foreign proselyting. Since the doctrine appeals primarily to societies in process of industrializing, Asia and Africa become the most logical targets. Aggressive foreign activity is thus *required* for justification at home, to retain power.

Ulam of course may be quite wrong: the apparent withering away of ideology in the Soviet Union may be quite deceiving. The Russian populace may increasingly believe in a Communism which delivers consumers' goods and puts Sputniks into the cosmos. This kind of success may silence the doubters and challengers, confirm the faith of the believers, and increase the number of supporters. Persistent and systematic inculcation of Marxist general principles concerning history and man has led to their widespread and uncritical acceptance. Continued domestic development may justify retention of the present system, and certainly corresponds to a strong Russian nationalism. No population pressure or materials shortage drives Russia to foreign expansion, and the "demonstration effect" of successful Russian economic development may be counted on to convince others. Co-existence might be possible.

But the value of this book does not lie in this argument alone, and it focuses attention on questions of fundamental importance. It raises the level of debate, but certainly does not silence it.—Robert A. Rupen, *University of North Carolina.*

Obligation and the Body Politic. By Joseph Tussman. (New York: Oxford University Press, 1960. Pp. vii, 144. $4.00)

This essay deals with a problem as old as Plato—the education of the political agent for the demands of his political role. It states a proposition at least as old as Jefferson—that a political system which gives to each of its members a share in the governing process rests its fate upon the quality of participation. Such a system commits itself not only to education for the private life, but to education which prepares one to meet the demands of political roles. The issues raised in the essay therefore are not new, but the central argument of the author, namely, that a theory of political obligation must serve as the foundation of education in a self-governing community, is developed with originality and insight. Such a theory of political obligation, he contends, must be distinct from a theory of political behavior. It must also deal seriously with conceptions of the common good, political freedom, authority, right and other fundamental concepts of political theory.

Chapter one establishes a distinction between a theory of political behavior and a theory of political obligation based on two radically different perspectives from which the political process can be studied. First, there is the perspective of the external observer concerned with the description of political behavior. Since such description seeks to reveal patterns which may form the basis of prediction, it may be called 'descriptive-predictive.' This approach brings to bear upon the political agent the question, 'what will he do?' A theory of political behavior maintains this perspective.

Second, there is the point of view, not of the observer, but of the participant—the person (or persons) within a decision-making tribunal. This task is not predicting but deciding. The question here is not what *will* he do but what *should* I do. A theory of political obligation maintains this essentially normative perspective.

Maintaining the second perspective, the author proceeds in Chapters Two and Three to develop a theory of political obligation in terms of an agency relation, taking the voluntary group—based on a system of agreements—as the appropriate model for the body politic. He argues that the voluntary group notion supports, as power and other notions do not, a significant conception of the common good, authority, right, obligation and freedom under law. This is decisive because education for political life makes no sense without these concepts.

Chapter Four analyzes certain problems of democracy and attacks the marketplace of ideas concept. An appendix discusses the state of nature, natural law and natural rights.

The essay leaves many of the problems with which it deals in a tentative state and one feels that the author could have gone somewhat further. The volume is noteworthy, however, because of the clarity and comprehensiveness of its brief discussion, because it succeeds in providing a framework within which most of the traditional problems of political theory find their place, and because it throws light on the elements of political obligation. Finally, it expresses and defends a point of view.—George S. Parthemos, *University of Georgia.*

Political Science: A Philosophical Analysis. By Vernon Van Dyke. (Stanford University Press, 1960, pp. xi+235, $5.00.)

In 1959, Professor Charles Hyneman made a fascinating survey of the present condition of Political Science, in the format of a Foundation report, entitled *The Study of Politics.* Professor Van Dyke's review, intended especially for graduate students, is of a different character. He moves up to the issue of whether there is a political science—as Karl Mannheim said "the answer is in the affirmative," although Mannheim gave the wrong reasons—and of what is its nature, by deliberate stages. They are reminiscent in style in some ways of the work of Professor Mortimer Adler. Although the work of such men as Merriam and Wallas is not mentioned, Professor Van Dyke makes full acknowledgment of the help of his philosophical colleague at the University of Iowa, Professor Gustav Bergmann. He is careful and precise in his categories. Thus he discusses "developmental or historical questions," the process of constructing a chronicle narration "being called colligation"; this type of explanation being bound to "contribute to knowledge of ends." There are, however, other approaches. "The importance of law suggests a legal approach"; and there is also the "analogical approach."

Professor Van Dyke observes with some wit that, in human affairs, one can safely predict that a car-driver will avoid head-on collision; and he notes that, when President H. S. Truman said that the appeasement of aggressors leads to war, he was enunciating "a general law." Professor Van Dyke, unlike Mannheim and Carl Schmitt (exploded by Popper), does not talk the academic twaddle of saying that the quest for general laws is a symptom of a bourgeois up-bringing. He also points out that excessive positivism can lead to the position where "objective study would be study without an object." In his last chapter Professor Van Dyke, having philosophically prepared his ground, comes to grips with the issue whether the subject exists. Clearly it is something different from the "policy science" (or art) which the Germans (unlike Aristotle) mean by *Politik*. Science is empiric; general; to be based on *observation*. Nevertheless he notes that it is "trying to discover what we do *not* know," relations we have *not yet observed;* and hence requires the Newtonian vision and hypothesis of genius. Professor Lindsay Rogers is quoted as saying that to build it would require a Newton—and maybe Professor Rogers, like jesting Pilate, did not stay for an answer. Of institutional description most truly Professor Van Dyke writes, "stress on 'the facts' has frequently been accompanied by an apparently deliberate effort to avoid generalization." "Political science is concerned with general laws," not best reached by activist haste, yet even now with a utility in its concepts which governments despise at their risk. With this conclusion by the distinguished editor of *The Mid-Western Journal of Political Science* I heartily agree. The theory and problem of the adjustment of power (properly defined) is always with us.—GEORGE E. GORDON CATLIN.

Philosophical Anthropology and Practical Politics. BY F. S. C. NORTHROP. (New York: The Macmillan Co. 1960. Pp. x, 384. $6.50.)

This book, although constructed as an independent work, is the second volume of a trilogy begun with *The Complexity of Legal and Ethical Experience.* Readers of the previous work (and of Mr. Northrop's other books) will find many of his philosophical notions restated here. The essentially new matter is the application to politics, although even some of this material has been previously published in journals.

The specific problem dealt with in this book is that of devising a legal order for the world, not by writing a constitution, but by systematic evaluation (and manipulation) of the cultural norms (or "living law," as he calls them) of every society. The main instrument for this project is, as the title suggests, "philosophical anthropology," on the model of Kluckhohn's work among the Navaho.

One can hardly quarrel with Mr. Northrop's enthusiasm for a non-normative and wholly descriptive investigation of societies and even of such things as norms themselves. This is what most anthropologists and political scientists hope they are doing now. Certainly one should praise him for his emphasis, appropriate from a philosopher of science, on the necessity of deductively formulated, non-normative theory as a prerequisite to descriptive investigation. Far too many political scientists and anthropologists blithely rely on so-called induction, which, as Russell once remarked, is just another name for guessing.

But though accepting these points, many political scientists will find it hard to go the rest of the way with Mr. Northrop. Consider, for example, his suggestion that there exists a "cognitive method of evaluating normative sentences" (that is, a method of deciding whether they are true or false). He intimates that there is such a method, but, when explained, it turns out to be no more than a device for proving some such sentences false (by proving that the descriptive sentences on which they are based are false). It is totally incapable of proving any normative sentence true. But beyond a disturbance about a technical philosophical point, there is another disturbance of greater import about the use of the so-called social sciences in practical affairs. Mr. Northrop, like Harold Lasswell and Margaret Mead, seems to believe that social scientists are qualified because of their science, to tell politicians what to do. And it may well be that so-called social scientists, by reason alone of their immersion in factual detail, are better qualified to advise politicians than any other group in the society. But it is both premature and presumptuous for social scientists, especially political scientists and anthropologists whose deductive theory is weaker and whose verified sentences are fewer than any other of even the social scientists, to try to be engineers of politics. Mr. Northrop recognizes this presumption when he says "operational definitions for testing whether one's descriptive method has designated the correct postulate set in describing any particular nation or culture are yet to be developed by cultural anthropologists." He seems to think this problem is minor, however, for he suggests that "by interrogating citizens" and "by reading philosophical and other classics" one can discover a people's cultural norms to "a degree sufficient for most practical purposes." Of this confidence I can only say that, although Mr. Northrop is a sensitive observer who has travelled widely and who has deeply familiarized himself with both philosophical and anthropological literature, still I would not care to base public policy on the analyses he offers in the section entitled "Some Applications." In general, it seems that social scientists, in the present state of their disciplines, ought to attempt only to advise on and not to prescribe political decisions.—WILLIAM H. RIKER, *Center for Advanced Study in the Behavioral Sciences.*

The Spare Chancellor: The Life of Walter Bagehot. BY ALASTAIR BUCHAN. (East Lansing: Michigan State University Press, 1960. Pp. 278. $5.00.)

Political science has sometimes been charged with amounting to no more than high-class journalism. Mr. Buchan's distinguished, sympathetic *Life* reminds us that far from exceeding it, we may fall far short even of approaching this standard. *The English Constitution* and *Physics and Politics* originally appeared over months and years as a continued series of articles in John Morley's *Fortnightly Review.* Their author for the greater part of his adult life was a "man of business"—a country banker who turned his intellectual energies to political biography and literary criticism (1852–65), and who wrote his major social-scientific work while he was managing editor of the London *Economist* during the dozen years before his death in 1877 at the age of fifty-one. In his late thirties Bagehot aspired to a public career in the House of Commons, but after several unsuccessful attempts he evidently reconciled himself to the journalist's role as observer, analyst and 'critic' of public affairs. The volume under review provides a character profile that would do honor to its subject; it relates his work and thought to that of the outstanding personalities and trends of the mid-Victorian era; it defines his central contribution as that of revealing and interpreting the operative political, social and economic institutions of his time to the contemporary, literate public. G. M. Young called Bagehot not the greatest but the perfect Victorian. Most of us know how much he influenced the young Woodrow Wilson. One of Buchan's epitaphs would serve present-day political scientists admirably as a beacon for their own sense of mission. "Bagehot . . . recognized (sic) that analysis is as worthy of a man's best powers as advocacy, that modern society has achieved a complexity which makes it as important to know where it stands and what its constituency is, as where it is going or where it should go." The desire to comprehend and the ability to elucidate—a considerable legacy indeed!—A. L.

Sociology Today: Problems and Prospects. EDITED BY ROBERT K. MERTON, LEONARD BROOM, LEONARD S. COTTRELL, JR. (New York: Basic Books, 1960. Pp. xxxiv, 623.)

Propositional inventories do not come along very frequently in political science—the more the pity, because the question "what do we think we know?" seems to generate self-examination into the state of the discipline and where it is going. Books like the present one are a boon to its sister disciplines for much more than their disclosure of intra-family cleavages and controversies. Recognized leaders and indigenously chosen subject-specialists deliberately expose to their professional colleagues their fundamental orientation ("functionalism" and "equilibration" in the analysis of social systems), methodologies, and modal emphases in contemporary research. We are given the evidence upon which sociology's claims to be "*the* generalizing social science" is founded. The essays which APSR readers are most likely to find stimulating and useful are Lipset on political sociology, Selznick on law, Inkeles on personality and social structure, Gouldner on organizational analysis, the Rileys on mass communications, and C. H. Page, "Sociology as a Teaching Enterprise." Missing is any separate treatment of social change, although in the vocabulary of structural-functionalism this aspect is incorporated in the dynamics of structures. Political theorists who are concerned either with system-building or synthesizing empirical research may wish to compare the state of their thinking with this volume, Catlin's *Principles of Politics* (1930), Friedrich's *Constitutional Government and Democracy* (1937), Merriam's *Systematic Politics* (1945), Lasswell and Kaplan, *Power and Society* (1950), Lipson, *The Great Issues* (1954), Brecht, *Political Theory* (1959) and Almond and Coleman, *The Politics of the Developing Areas* (1960).—A. L.

Human Organization Research. BY R. N. ADAMS and J. H. PREISS, editors. (Homewood, Illinois: The Dorsey Press, Inc. 1960. Pp. xviii, 456. $6.95.)

This book marks another milestone in the maturation of field research techniques in anthropology—would that we in political science had sufficiently widespread sophistication to warrant publication of a reader in "government organization research!" In many ways the anthropologists have been the "stubborn ones" among our colleagues in the social sciences. They steadfastly refuse to view cultures and societies piecemeal. They persistently ask the deeper questions, whether answers are to be found in personality dynamics or in group processes of change. The volume demonstrates clearly there is a road toward methodologies which avoids miniaturization of questions and yet yields more than polemic in its answers.

This reader by Adams (an anthropologist) and Preiss (a sociologist) consists of thirty-two chapters taken in large measure from the last ten years of articles on research methods appearing in the journal of the Society of Applied Anthropology, *Human Organization*. The first half of the articles is concerned with the human relations problems of the researcher in the field—his relations to his informants, his interviewees, and his clients. The second half of the articles discusses supplemental field research techniques, such as sociometry, modified q-techniques, and the sample survey. This second part begins with discussion of problems involved in making analyses from raw observations, in four chapters on "Categories of Data Analysis."

Although there is much redundancy among the chapters and some are of outright poor quality, at least half of the contributions are solid and useful pieces. The article prepared by Smith, Sim and Bealer on "Client Structure and the Research Process" is a model of candor on the problems encountered in research on a government agency, the market-news service of the U. S. Department of Agriculture. Schwab's vivid description of methodological problems in his monumental effort to study with but ten native field assistants a West African urban community of some 70,000 persons, without reducing his research standards, should give heart to anyone who thinks about researching our largest government agencies. Our colleagues in anthropology are demonstrating clearly that soon the century-old excuses for sloppy methodology no longer will be acceptable in any branch of the social sciences.

A few of the forty or so anthropologists and sociologists who collaborated in this volume recognize that the very methods we use in the study of social phenomena can be applied to the development of a more adequate methodology. For example, Back reports research on predictions of who will be a "well-informed" informant, and Stycos tells how one can screen interviewers in other cultures who are less given to "fancying up" their assignments, a common tendency among the "unemployed intellectuals" of underdeveloped countries. Although most of the pieces in the book consist of quite subjective judgments about the advantages and disadvantages of particular methods, there also is wakening interest in the problem of the validity of alternative techniques—but only one piece, that of Robert Ellis, presents solid evidence. Ellis compared the prestige-ratings given by a set of six judges, "purposively selected by standard criteria as being well-qualified raters," and ratings made by a "systematic sample of thirty-four persons drawn from a universe of ratings"; he found a high correspondence between the two sets of ratings (rho =.90).

This book will be useful for those in political science who want to know how anthropologists and sociologists develop increasing solidity in their methodologies. The final chapter by Bennett describes a series of demonstrations which may be used in college courses to make vivid the tremendous effects of "Individual Perspective in Field Work." Some of the venturesome among us may want to use the book in our courses in "scope and methods," as we emphasize empirical research and accentuate our interests in the teaching of practical politics.—HAROLD GUETZKOW, *Northwestern University*.

A History of Economic Thought: Social Ideals and Economic Theories from Quesnay to Keynes. BY OVERTON H. TAYLOR. (New York: McGraw-Hill Co. 1960. Pp. xix, 524. $7.75.)

This book is the outgrowth of the author's lectures in his courses offered by both the Economics and Philosophy Departments at Harvard covering the history of economic, philosophical, social, and political thought. It is concerned with the types of political and economic thought involved in the laissez-faire liberal, Marxist, Socialist, Fascist, and interventionist-liberal traditions of the mid-eighteenth to the mid-twentieth century. It ties the broader social philosophies of the great political economists into their economic thought and also covers the allied developments of political thought. Its most distinctive feature is the full treatment of the interrelation of scientific and technical economic theory with contemporary social, moral, and political philosophies. Fully half the book is devoted to the history of philosophical and over-all social, ethical, and political thought that has been associated with the different main developments, systems, and varieties of economic theory as their wider intellectual background or context. Strict specialization is avoided. The author has produced a balanced, critical study of the historic panorama of the composite pattern of thought made up of the structures of economic theory and political philosophies that were allied with them.

With the exception of Quesnay, Marx, and Chamberlain, the authors covered are English economic and political thinkers of the post-

Mercantile period. It is not specifically designed or written as a textbook but it should be valuable for reference and other purposes.—ERVIN K. ZINGLER, *University of Houston.*

Modern Political Thought: The Great Issues. BY WILLIAM EBENSTEIN. (New York: Holt, Rinehart and Winston, 1960. Pp. xviii, 875. $8.00).

This second edition of readings retains the basic organization of the original edition around the major ideological controversies of the Western world in the twentieth century. Brief selections from Machiavelli, Hobbes, Locke and Rousseau, Burke, Hegel, Mill and Marx, provide continuity and background for current controversies. The principal topics are: philosophic issues in the relation of science to politics; the antinomies of liberalism, nationalism and equalitarianism incorporated in the moral foundations of democracy; patterns of anti-democratic thought; the welfare state as the emergent product of capitalism *v.* socialism; and nationalism *v.* world order. Three *hyper*-critical comments: (1) the outmoded level upon which the *values* v. *science* controversy is discussed; (2) the lack of explicit attention to the elements of conservative thought apart from "the pessimistic outlook"; (3) the pre-World War II flavor of the selections on nationalism and world order, none of which deal with the national aspirations of the Afro-Asian peoples and the relation of their problems to the theory of international politics.

SELECTED ARTICLES AND DOCUMENTS ON
POLITICAL THEORY

CECELIA M. KENYON
Smith College

Armstrong, Robert G. A Reply to Herbert Wechsler's Holmes Lecture, "Toward Neutral Principles of Constitutional Law." *Phylon.* Fall, 1960.

Aron, Raymond. Idées politiques et vision historique de Tocqueville. *Revue Française de Science Politique.* September, 1960.

Beneyto, Juan. Comunidad y representacion: Los cauces de la coincidencia y la regulacion de la discrepancia. *Revista de Estudios Politicos.* November–December, 1959.

Berti, G. La dottrina pisacaniana della rivoluzione sociale. *Studi Storici.* 1&2/I/1959–1960.

Biondi, P. Teoria e critica del potere. *Studi Politici.* Gennaio-Marzo, 1960.

Bognetti, G. Stato e diritto nel pensiero di Dewey. *Revista di Filosofia.* July, 1960.

Boguzak, Jiri. Zur Rolle des sozialistischen Rechtsbewusstseins beim Aufbau des Sozialismus-Kommunismus. *Deutsche Zeitschrift für Philosophie.* 8/VIII/1960.

Boiteau, Pierre. De Darwin au neo-darwinisme. *La Pensée.* September–October, 1960.

Brzezinski, Zbigniew. Communist Ideology and International Affairs. *Journal of Conflict Resolution.* 3/IV/1960.

Buchanan, J. M. Economic Policy, Free Institutions and Democratic Process. *Il Politico.* June, 1960.

Buehrer, Edwin T. Retracing the Liberal Tradition. *The Humanist.* May–June, 1960.

Burgelin, P. U'unite de l'oeuvre de Rousseau. *Revue de Metaphysique et de Morale.* April–June, 1960.

Caldwell, Gaylon L. Augustine's Critique of Human Justice. *A Journal of Church and State.* May, 1960.

Carnes, John R. "Why Should I Obey the Law?" *Ethics.* October, 1960.

Chroust, Anton-Hermann. Plato's Philosopher-King. *The New Scholasticism.* October, 1960.

Coleman, Winston R. Knowledge and Freedom in the Political Philosophy of Plato. *Ethics.* October, 1960.

Colm, Gerhard. In Defense of the Public Interest. *Social Research.* Autumn, 1960.

Daniels, Robert V. Fate and Will in Marx. *Journal of the History of Ideas.* October–December, 1960.

Von Diersburg, Egenolf Roeder. Hegels Method gemessen an der Methode des Aristotles. *Archiv für Philosophie.* 1–2/10/1960.

Exeter, The Right Reverend the Lord Bishop of. Parliament and Morals. *Parliamentary Affairs.* Spring, 1960.

Fogelman, Edwin. Alexis de Tocqueville and the Commitment to Freedom. *Western Humanities Review.* Summer, 1960.

Gougeyrollas, Pierre. Sartre et le Marxisme. *Les Cahiers de la Republique.* September–October, 1960.

Glover, Willis B. God and Thomas Hobbes. *Church History.* September, 1960.

Good, Robert C. The National Interest and Political Realism: Niebuhr's "Debate" with Morgenthau and Kennan. *Journal of Politics.* November, 1960.

Haworth, Lawrence. The Experimental Society: Dewey and Jordan. *Ethics.* October, 1960.

Hayward, J. E. S. Solidarist Syndicalism: Durkheim and Duguit: Part I. *The Sociological Review.* July, 1960.

Heath, Thomas R. St. Thomas and Aristotle. *The New Scholasticism.* October, 1960.

Heyden, Günter. Historischer Materialismus und praktische Sozialforschung. *Deutsche Zeitschrift für Philosophie.* 5/VIII/1960.

Horowitz, Irving L. Averroism and the Politics of Philosophy. *Journal of Politics.* November, 1960.

Jacob, Horst. Die idealistische Technik-Philosophie Friedrich Dessauers—eine religios verbrämte Apologetik des westdeutschen Imperialismus und Militarismus. *Deutsche Zeitschrift für Philosophie.* 8/VIII/1960.

John, Erhard, and Gehrke, Rudolf. Die Leninsche Lehre von der sozialistischen Kulturrevolution. *Deutsche Zeitschrift für Philosophie.* 5/VIII/1960.

Kabir, Humayun. Tagore's Educational, Economic and Political Ideas. *The Indo-Asian Culture.* April, 1960.

Kemeny, John G. A Philosopher Looks at Political Science. *Journal of Conflict Resolution.* 3/IV/1960.

Kendall, Willmoore. The Two Majorities. *Midwest Journal of Political Science.* November, 1960.

Krieger, Leonard. Pufendorf on History and Law. *Journal of the History of Ideas.* April–June, 1960.

Krieger, Leonard. The Uses of Marx for History. *Political Science Quarterly.* September, 1960.

Kristol, Irving. Massenkultur und Demokratie. *Der Monat.* August, 1960.

Lewy, Guenter. Resistance to Tyranny: Treason, Right, or Duty? *The Western Political Quarterly.* September, 1960.

Lowenthal, Richard. Totalitäre und demokratische Revolution. *Der Monat.* November, 1960.

Lorf, Dietrich. Freiheit und Sozialismus. *Deutsche Zeitschrift für Philosophie.* 5/VIII/1960.

Lubbe, Hermann. Philosophie in der Freiheitskrise. *Philosophische Rundschau.* July, 1960.

McClelland, Charles A. The Function of Theory in International Relations. *Journal of Conflict Resolution.* 3/IV/1960.

Mardin, Sherif. The Mind of the Turkish Reformer 1700–1900. *Western Humanities Review.* Autumn, 1960.

Morgan, Douglas N. On Justifying Political Action. *Ethics.* October, 1960.

Nisbet, R. A. Voting Practices vs. Democratic Theory. *Commentary.* January, 1961.

Nolte, Ernst. Marx und Nietzsche im Sozialismus des jungen Mussolini. *Historische Zeitschrift.* October, 1960.

Ortega, Augusto A. Persona humana, communidad y sociedad. *Revista Estudios Politicos.* November–December, 1959.

La Palombara, J. I gruppi di interesse in Italia (Utilità e limiti di una teoria). *Studi Politici.* Gennaio-Mayo, 1960.

Plamenatz, John. El lugar y la influencia de la filosofia política y social. *Revista de Esutios Politicos.* November–December, 1959.

Pollack, Norman. Hofstadter on Populism: A Critique of "The Age of Reform." *The Journal of Southern History.* November, 1960.

Reinhardt, Horst, and Schmollack, Jurgen. Zu einigen Auffassung über den Ursprung der Moral und über das Autonomie-Heteronomieproblem in der marxistischen Ethik. *Deutsche Zeitschrift für Philosophie.* 7/VIII/1960.

Riechert, Horst. Lenin zu Fragen der Bildung und Erziehung. *Deutsche Zeitschrift für Philosophie.* 5/VIII/1960.

Ruyer, Raymond. La Nutrition psychique et la vie politique. *Revue de Metaphysique et de Morale.* April–June, 1960.

Sasso, Gennaro. La polemica sul Machiavelli, ovvero il "caso Whitfield." *Nuova Revista Storica.* Maggio-Agosto, 1960.

Servet, G. Le socialisme de la civilisation industrielle. *Les Cahiers de la Republique.* May–June, 1960.

Soder, Gunter. Freiheit und sozialistische Planwirtschaft. *Deutsche Zeitschrift für Philosophie.* 6/VIII/1960.

Thompson, Kenneth W. Moral Purpose in Foreign Policy: Realities and Illusions. *Social Research.* Autumn, 1960.

Verdu, Pablo Lucas. Sobre el concepto de institución política. *Revista de Estudios Políticos.* November–December, 1959.

SELECTED ARTICLES AND DOCUMENTS ON

METHODOLOGY AND RESEARCH IN THE SOCIAL SCIENCES

JULIAN FELDMAN
University of California, Berkeley

Philosophy of Social Science

Burt, C. Logical positivism (critical notice). *British Journal of Statistical Psychology,* 1960, *13,* 55.

Gross, L. System-construction in sociology. *Behavioral Science,* 1960, *5,* 281.

Ornea, J. C., and P. Stillson. The optimum solution in operations research. *Operations Research,* 1960, *8,* 616.

Research Methods

Adcock, C. J. A note on combining probabilities. *Psychometrika,* 1960, *25,* 303.

Arrow, K. J., and L. Hurwicz. Some remarks on

the equilibria of economic systems. *Econometrica*, 1960, *28*, 640.

Athey, K. R., J. E. Coleman, A. P. Reitman, and J. Tang. Two experiments showing the effect of the interviewer's racial background on responses to questionnaires concerning racial issues. *Journal of Applied Psychology*, 1960, *44*, 244.

Chance, E., and J. Arnold. The effect of professional training, experience, and preference for a theoretical system upon clinical case description. *Human Relations*, 1960, *13*, 195.

Candler, W. A "short-cut" method for the complete solution of game theory and feed-mix problems. *Econometrica*, 1960, *28*, 618.

Chow, G. C. Tests of equality between sets of coefficients in two linear regressions. *Econometrica*, 1960, *28*, 591.

Coleman, J. S., and D. MacRae, Jr. Electronic processing of sociometric data for groups up to 1,000 in size. *American Sociological Review*, 1960, *25*, 722.

Coombs, C. H., and R. C. Kao. On a connection between factor analysis and multidimensional unfolding. *Psychometrika*, 1960, *25*, 219.

Deutsch, M. The pathetic fallacy: an observer error in social perception. *Journal of Personality*, 1960, *28*, 317.

Edgington, E. S. Nonlinearly related measurement scales. *Journal of Psychology*, 1960, *50*, 399.

Kruskal, W. H., and L. G. Telser. Food prices and the Bureau of Labor Statistics. *Journal of Business*, 1960, *33*, 258.

Lawley, D. N. Approximate method in factor analysis. *British Journal of Statistical Psychology*, 1960, *13*, 11.

Lebo, D. The development and employment of VTAT's or pictureless TAT's. *Journal of Psychology*, 1960, *50*, 197.

Levy, L. H., and R. D. Dugan. A constant error approach to the study of dimensions of social perception. *Journal of Abnormal and Social Psychology*, 1960, *61*, 21.

London, I. D. Instrumentation in Soviet psychological research: a contribution to the methodology of tourism. *Journal of Social Psychology*, 1960, *52*, 51.

Perry, P. Election survey procedures of the Gallup Poll. *Public Opinion Quarterly*, 1960, *24*, 531.

Rajaratnam, N. Reliability formulas for independent decision data when reliability data are matched. *Psychometrika*, 1960, *25*, 261.

Reiss, R. F. The digital simulation of neuromuscular organisms. *Behavioral Science*, 1960, *5*, 343.

Rozeboom, W. W. The fallacy of the null-hypothesis significance test. *Psychological Bulletin*, 1960, *57*, 416.

Sarason, I. G. Empirical findings and theoretical problems in the use of anxiety scales. *Psychological Bulletin*, 1960, *57*, 403.

Stone, M. An extension of the chi-squared test for randomness. *British Journal of Statistical Psychology*, 1960, *13*, 31.

Weinberg, G. H., F. A. Fluckiger, and C. A. Tripp. A proposed variation of the matching technique. *Psychometrika*, 1960, *25*, 291.

Motivation and Personality

Ames, L. B. Longitudinal survey of child Rorschach responses: older subjects aged 10 to 16 years. *Genetic Psychology Monographs*, 1960, *62*, 185.

Bachrach, A. J., and E. G. Pattishall, Jr. An experiment in universal and personal validation. *Psychiatry*, 1960, *23*, 267.

Bower, P. A., R. Testin, and A. Roberts. Rorschach diagnosis by a systematic combining of content, thought process, and determinant scales. *Genetic Psychology Monographs*, 1960, *62*, 105.

Bronzaft, A., R. Hayes, L. Welch, and M. Koltuv. Relationships between extraversion, neuroticism, and ascendance. *Journal of Psychology*, 1960, *50*, 279.

Carrigan, P. M. Extraversion-introversion as a dimension of personality: a reappraisal. *Psychological Bulletin*, 1960, *57*, 329.

DeSoto, C., J. L. Kuethe, and R. Wunderlich. Social-perception and self-perception of high and low authoritarians. *Journal of Social Psychology*, 1960, *52*, 149.

Deutsch, M. Trust, trustworthiness, and the F scale. *Journal of Abnormal and Social Psychology*, 1960, *61*, 138.

Farina, A. Patterns of role dominance and conflict in parents of schizophrenic patients. *Journal of Abnormal and Social Psychology*, 1960, *61*, 31.

Ghiselli, E. E., and M. Haire. The validation of selection tests in the light of the dynamic characacter of criteria. *Personnel Psychology*, 1960, *13*, 225.

Izard, C. E. Personality similarity and friendship. *Journal of Abnormal and Social Psychology*, 1960, *61*, 47.

L'Abate, L. Personality correlates of manifest anxiety in children. *Journal of Consulting Psychology*, 1960, *24*, 342.

Levy, L., T. B. Orr, and S. Rosenzweig. Judgments of emotion from facial expressions by college students, mental retardates, and mental hospital patients. *Journal of Personality*, 1960, *28*, 342.

Lindzey, G., D. T. Lykken, and H. D. Winston. Infantile trauma, genetic factors, and adult temperament. *Journal of Abnormal and Social Psychology*, 1960, *61*, 7.

Morris, C., B. T. Eiduson, and D. O'Donovan.

Values of psychiatric patients. *Behavioral Science*, 1960, *5*, 297.

Reeder, L. G., G. A. Donohue, and A. Biblarz. Conceptions of self and others. *American Journal of Sociology*, 1960, *66*, 153.

Rosen, S., G. Levinger, and R. Lippitt. Desired change in self and others as a function of resource ownership. *Human Relations*, 1960, *13*, 187.

Schaefer, E. S., and N. Bayley. Consistency of maternal behavior from infancy to preadolescence. *Journal of Abnormal and Social Psychology*, 1960, *61*, 1.

Shah, S. A. Predictive ability in mental hospital personnel and university students. *Journal of General Psychology*, 1960, *63*, 185.

Walters, R. H., and E. Ray. Anxiety, social isolation, and reinforcer effectiveness. *Journal of Personality*, 1960, *28*, 358.

Zaidi, S. M. H. Reactions to stress as a function of the level of intelligence. *Genetic Psychology Monographs*, 1960, *62*, 41.

Zax, M., and A. Klein. Measurement of personality and behavior changes following psychotherapy. *Psychological Bulletin*, 1960, *57*, 435.

Zax, M., and G. Stricker. The effect of a structured inquiry on Rorschach scores. *Journal of Consulting Psychology*, 1960, *24*, 328.

Opinions and Attitudes

Cohen, A. R. Attitudinal consequences of induced discrepancies between cognitions and behavior. *Public Opinion Quarterly*, 1960, *24*, 297.

Fagen, R. R. Some assessments and uses of public opinion in diplomacy. *Public Opinion Quarterly*, 1960, *24*, 448.

Himmelstrand, U. Verbal attitudes and behavior: a paradigm for the study of message transmission and transformation. *Public Opinion Quarterly*, 1960, *24*, 224.

Jacobson, E., H. Kumata, and J. E. Gullahorn. Cross-cultural contributions to attitude research. *Public Opinion Quarterly*, 1960, *24*, 205.

Katz, D. The functional approach to the study of attitudes. *Public Opinion Quarterly*, 1960, *24*, 163.

Pastore, N. A note on changing attitudes toward liked and disliked persons. *Journal of Social Psychology*, 1960, *52*, 173.

Pastore, N. Attributed characteristics of liked and disliked persons. *Journal of Social Psychology*, 1960, *52*, 157.

Rosenbaum, M. E., and D. E. Franc. Opinion change as a function of external commitment and amount of discrepancy from the opinion of another. *Journal of Abnormal and Social Psychology*, 1960, *61*, 15.

Rosenberg, M. J. A structural theory of attitude dynamics. *Public Opinion Quarterly*, 1960, *24*, 319.

Sarnoff, I. Psychoanalytic theory and social attitudes. *Public Opinion Quarterly*, 1960, *24*, 251.

Scott, W. A. International ideology and interpersonal ideology. *Public Opinion Quarterly*, 1960, *24*, 419.

Simpson, R. L., and I. H. Simpson. Correlates and estimation of occupational prestige. *American Journal of Sociology*, 1960, *66*, 135.

Cognitive Processes and Individual Decision Making

Anonymous. Can people be taught like pigeons? *Fortune*, 1960, 176, (Oct.).

Bean, K. Machines of tomorrow. *Automatic Data Processing*, 1960, *2*, 24, (Sept.).

Bean, K. Machines like minds? *Automatic Data Processing*, 1960, *2*, 20, (Oct.).

Berkovitz, L. D., and M. Dresher. Allocation of two types of aircraft in tactical air war: a game-theoretic analysis. *Operations Research*, 1960, *8*, 694.

Bourne, L. E., Jr., and L. D. Long. Performance in a verbal conditioning situation as a function of shifts in reinforcement ratio. *Journal of General Psychology*, 1960, *63*, 211.

Chansky, N. M. Preexamination stress, information schedules, and learning. *Journal of General Psychology*, 1960, *63*, 219.

Crandall, V. J., and A. Rabson. Children's repetition choices in an intellectual achievement situation following success and failure. *Journal of Genetic Psychology*, 1960, *97*, 161.

Dale, H. C. A. A study of subjective probability. *British Journal of Statistical Psychology*, 1960, *13*, 19.

Donahoe, J. W. The effect of variations in the form of feedback on the efficiency of problem solving. *Journal of Experimental Psychology*, 1960, *60*, 193.

Dorfman, R. Operations research. *The American Economic Review*, 1960, *50*, 575.

Ellis, J. W., Jr., and T. E. Greene. The contextual study: a structured approach to the study of political and military aspects of limited war. *Operations Research*, 1960, *8*, 639.

Eriksen, C. W. Discrimination and learning without awareness: a methodological survey and evaluation. *Psychological Review*, 1960, *67*, 279.

Ferguson, D. C., and A. H. Buss. Operant conditioning of hostile verbs in relation to experimenter and subject characteristics. *Journal of Consulting Psychology*, 1960, *24*, 324.

Fishman, J. A. A systematization of the Whorfian hypothesis. *Behavioral Science*, 1960, *5*, 323.

Getzels, J. W., and P. W. Jackson. Occupational choice and cognitive functioning: career aspirations of highly intelligent and of highly creative adolescents. *Journal of Abnormal and Social Psychology*, 1960, *61*, 119.

Hall, W. E. The effects of set and reinforcement in verbal conditioning. *Journal of General Psychology*, 1960, *63*, 239.

Higher education in the United States: the economic problems. *The Review of Economics and Statistics*, 1960, *42*, whole issue.

Hill, W. F. Learning theory and the acquisition of values. *Psychological Review*, 1960, *67*, 317.

Horne, E. P., and W. P. Lane. Constancy or creativity in patterning mosaic test performance. *Journal of General Psychology*, 1960, *63*, 165.

Jensen, M. B. Alternation learning and mental pathology: test procedures and findings. *Journal of Psychology*, 1960, *50*, 211.

Kepner, C. H., and B. B. Tregoe. Developing decision makers. *Harvard Business Review*, 1960, *38*, 115, (Sept.–Oct.).

Lamperti, J., and P. Suppes. Some asymptotic properties of Luce's beta learning model. *Psychometrika*, 1960, *25*, 233.

Langman, M. P. The reading process: a descriptive, interdisciplinary approach. *Genetic Psychology Monographs*, 1960, *62*, 3.

Lieberman, B. Human behavior in a strictly determined 3×3 matrix game. *Behavioral Science*, 1960, *5*, 317.

McCracken, D. D. A progress report on machine intelligence. *Datamation*, 1960, *6*, 10, (Sept.–Oct.).

McGovern, P. J. Computer conversation compared with human conversation. *Computers and Automation*, 1960, *9*, 6, (Sept.).

Miller, N. E. Learning resistance to pain and fear: effects of overlearning, exposure, and rewarded exposure in context. *Journal of Experimental Psychology*, 1960, *60*, 137.

Osgood, C. E. Cognitive dynamics in the conduct of human affairs. *Public Opinion Quarterly*, 1960, *24*, 341.

Rambo, W. W., and C. E. Smith. Instruction wording and the transitivity of comparative judgments. *Journal of Applied Psychology*, 1960, *44*, 289.

Rimoldi, H. J. A. Problem solving as a process. *Educational and Psychological Measurement*, 1960, *20*, 449.

Rotter, J. B. Some implications of a social learning theory for the prediction of goal directed behavior from testing procedures. *Psychological Review*, 1960, *67*, 301.

Shipley, E. F. A model for detection and recognition with signal uncertainty. *Psychometrika*, 1960, *25*, 273.

Shubik, M. Games, decisions and industrial organizations. *Management Science*, 1960, *6*, 455.

Smith, D. B., and R. M. Roth. Problem-solving behavior of preschool children in a spontaneous setting. *Journal of Genetic Psychology*, 1960, *97*, 139.

Stone, M. Models for choice-reaction time. *Psychometrika*, 1960, *25*, 251.

Tresselt, M. E., and M. S. Mayzner. Switching behavior in a problem solving task. *Journal of Psychology*, 1960, *50*, 349.

Underwood, H. W. The validity of hypnotically induced visual hallucinations. *Journal of Abnormal and Social Psychology*, 1960, *61*, 39.

Urmer, A. H., and W. L. Brown. The effect of gamma radiation on the reorganization of a complex maze habit. *Journal of Genetic Psychology*, 1960, *97*, 67.

Wallach, M. A., D. N. Ulrich, and M. B. Grunebaum. Relationship of family disturbance to cognitive difficulties in a learning-problem child. *Journal of Consulting Psychology*, 1960, *24*, 355.

Wiener, M., and P. H. Schiller. Subliminal perception or perception of partial cues. *Journal of Abnormal and Social Psychology*, 1960, *61*, 124.

Interpersonal Influence

Bellows, R. Communication and conformity. *Personnel Administration*, 1960, *23*, 20, (Sept.–Oct.).

French, J. R. P., Jr., H. W. Morrison, and G. Levinger. Coercive power and forces affecting conformity. *Journal of Abnormal and Social Psychology*, 1960, *61*, 93.

Gorfein, D., T. Kindrick, Q. Leland, M. E. McAvoy, and J. Barrows. Cognitive dissinance (sic) and yielding behavior. *Journal of Psychology*, 1960, *50*, 205.

Middleton, R. Ethnic prejudice and susceptibility to persuasion. *American Sociological Review*, 1960, *25*, 679.

Snyder, A., W. Mischel, and B. E. Lott. Value, information, and conformity behavior. *Journal of Personality*, 1960, *28*, 333.

Tagiuri, R., and N. Kogan. Personal preference and the attribution of influence in small groups. *Journal of Personality*, 1960, *28*, 257.

Zajonc, R. B. The concepts of balance, congruity, and dissonance. *Public Opinion Quarterly*, 1960, *24*, 280.

Zipf, S. G. Resistance and conformity under reward and punishment. *Journal of Abnormal and Social Psychology*, 1960, *61*, 102.

Group Behavior

Becker, H. S., and B. Geer. Latent culture: a note on the theory of latent social roles. *Administrative Science Quarterly*, 1960, *5*, 304.

Crowne, D. P., and D. Marlowe. A new scale of social desirability independent of psycho-

pathology. *Journal of Consulting Psychology*, 1960, *24*, 349.

Hyman, H. H. Reflections on reference groups. *Public Opinion Quarterly*, 1960, *24*, 383.

Lambert, W. E., E. Libman, and E. G. Poser. The effect of increased salience of a membership group on pain tolerance. *Journal of Personality*, 1960, *28*, 350.

Lana, R. E., W. Vaughan, and E. McGinnies. Leadership and friendship status as factors in discussion group interaction. *Journal of Social Psychology*, 1960, *52*, 127.

Lanzetta, J. T., and T. B. Roby. The relationship between certain group process variables and group problem-solving efficiency. *Journal of Social Psychology*, 1960, *52*, 135.

Maier, N. R. F., and L. R. Hoffman. Using trained "developmental" discussion leaders to improve further the quality of group decisions. *Journal of Applied Psychology*, 1960, *44*, 247.

Maier, N. R. F., and L. R. Hoffman. Quality of first and second solutions in group problem solving. *Journal of Applied Psychology*, 1960, *44*, 278.

Messick, S. Dimensions of social desirability. *Journal of Consulting Psychology*, 1960, *24*, 279.

Mulder, M. The power variable in communication experiments. *Human Relations*, 1960, *13*, 241.

Ramuz-Nienhuis, W., and A. Van Bergen. Relations between some components of attraction-to-group: a replication. *Human Relations*, 1960, *13*, 271.

Robins, R. S. Brainstorming re-evaluated. *Journal of Communication*, 1960, *10*, 147.

Showel, M. Interpersonal knowledge and rated leader potential. *Journal of Abnormal and Social Psychology*, 1960, *61*, 87.

Smith, A. J. A developmental study of group processes. *Journal of Genetic Psychology*, 1960, *97*, 29.

Triandis, H. C. Some determinants of interpersonal communication. *Human Relations*, 1960, *13*, 279.

Organizational Behavior

Anderson, E. H. The functional concept in organization. *Advanced Management*, 1960, *25*, 16, (Oct.).

Benge, E. J. Organization growing pains. *Advanced Management*, 1960, *25*, 4, (Oct.).

Brown, D. S. Individual freedom in traditional management: some situational examples. *Personnel Administration*, 1960, *23*, 3, (Sept.–Oct.).

Butler, J. G. Power, authority, and legitimacy. *American Sociological Review*, 1960, *25*, 731.

Dill, W. R., T. L. Hilton, and W. R. Reitman. How aspiring managers promote their own careers. *California Management Review*, 1960, *2*, 9.

Dimock, M. E. Management in the USSR—Comparisons to the United States. *Public Administration Review*, 1960, *20*, 139.

Etzioni, A. Two approaches to organizational analysis: a critique and a suggestion. *Administrative Science Quarterly*, 1960, *5*, 257.

French, W. L. The psychological determinants of industrial efficiency. *Business Review*, 1960, *20*, 58.

Greenlaw, P. S., and S. S. Kight. The human factor in business games. *Business Horizons*, 1960, *3*, 55.

Harrison, P. Relevance, simplicity, clarity, consistency. *American Sociological Review*, 1960, *25*, 732.

Janowitz, M. The ineffective soldier: a review article. *Administrative Science Quarterly*, 1960, *5*, 296.

Kahn, R. L. Productivity and job satisfaction. *Personnel Psychology*, 1960, *13*, 275.

Katz R. L. Toward a more effective enterprise. *Harvard Business Review*, 1960, *38*, 80, (Sept.–Oct.).

Kratz, L. A. The motivation of the business manager. *Behavioral Science*, 1960, *5*, 313.

Leavitt, H. J. Recent concepts in administration. *Personnel Psychology*, 1960, *13*, 287.

Lippitt, G. L. Organizational climate and individual growth: the consultative process at work. *Personnel Administration*, 1960, *23*, 3, (Sept.–Oct.).

Mann, F. C., and L. K. Williams. Observations on the dynamics of a change to electronic data-processing equipment. *Administrative Science Quarterly*, 1960, *5*, 217.

Murphy, M. Overcoming resistance to major change—Vietnam budget reform. *Public Administration Review*, 1960, *20*, 148.

Paranjape, H. K. Measurement of management in the public sector. *Indian Journal of Public Administration*, 1960, *6*, 159.

Pfiffner, J. M. Administrative rationality. *Public Administration Review*, 1960, *20*, 125.

Riggs, F. W. The use of models for administrative analysis: confusion or clarity? *Indian Journal of Public Administration*, 1960, *6*, 225.

Robinson, H. A., and R. P. Connors. Job satisfaction researches of 1959. *Personnel and Guidance Journal*, 1960, *39*, 47.

Shartle, C. L. Work patterns and leadership style in administration. *Personnel Psychology*, 1960, *13*, 295.

Simon, H. A. Management by machines: how much and how soon? *Management Review*, 1960, *49*, 12, (Nov.).

Solem, A. R. Human relations training: comparison of case study and role playing. *Personnel Administration*, 1960, *23*, 29, (Sept.–Oct.).

Tead, O. The ethical challenge of modern administration. *Advanced Management*, 1960, *25*, 8, (Oct.).

Trow, D. B. Membership succession and team performance. *Human Relations*, 1960, *13*, 259.

Vroom, V. H. The effects of attitudes on perception of organizational goals. *Human Relations*, 1960, *13*, 229.

Voting Behavior

Campbell, A. Surge and decline: a study of electoral change. *Public Opinion Quarterly*, 1960, *24*, 397.

Farber, M. L. Toward a psychology of political behavior. *Public Opinion Quarterly*, 1960, *24*, 458.

Gossett, E. Electoral reform. *Western Business Review*, 1960, *4*, 2, (Aug.).

Pettigrew, T. F., and E. Q. Campbell. Faubus and segregation: an analysis of Arkansas voting. *Public Opinion Quarterly*, 1960, *24*, 436.

Wright, S. E. The appetite for instant news—Election predictions. *Computers and Automation*, 1960, *9*, 11, (Oct.).

Culture and Institutions

Berreman, G. D. Caste in India and the United States. *American Journal of Sociology*, 1960, *66*, 120.

Dreger, R. M., and K. S. Miller. Comparative psychological studies of Negroes and Whites in the United States. *Psychological Bulletin*, 1960, *57*, 361.

Gibbs, J. P., and L. F. Schnore. Metropolitan growth: an international study. *American Journal of Sociology*, 1960, *66*, 160.

Grimshaw, A. D. Urban racial violence in the United States: changing ecological considerations. *American Journal of Sociology*, 1960, *66*, 109.

Herman, S. N., and E. Schild. Ethnic role conflict in a cross-cultural situation. *Human Relations*, 1960, *13*, 215.

Levine. R. A. The role of the family in authority systems: a cross-cultural application of the stimulus-generalization theory. *Behavioral Science*, 1960, *5*, 291.

Menzel, H. Innovation, integration, and marginality: a survey of physicians. *American Sociological Review*, 1960, *25*, 704.

Mizruchi, E. H. Social structure and anomia in a small city. *American Sociological Review*, 1960, *25*, 645.

Moss, J. A. Currents of change in American race relations. *British Journal of Sociology*, 1960, *11*, 232.

Schmid, C. F. Urban crime areas: part II. *American Sociological Review*, 1960, *25*, 655.

Scigliano, R. They work for Americans: a study of the national staff of an American overseas agency. *American Sociological Review*, 1960, *25*, 695.

Social science in action in sub-Saharan Africa. *Human Organization*, 1960, *19*, whole issue.

Suci, G. J. A comparison of semantic structures in American Southwest culture groups. *Journal of Abnormal and Social Psychology*, 1960, *61*, 25.

Triandis, H. C., and L. M. Triandis. Race, social class, religion, and nationality as determinants of social distance. *Journal of Abnormal and Social Psychology*, 1960, *61*, 110.

Wolfinger, R. E. Reputation and reality in the study of "community power." *American Sociological Review*, 1960, *25*, 636.

Yinger, J. M. Contraculture and subculture. *American Sociological Review*, 1960, *25*, 625.

AMERICAN GOVERNMENT AND POLITICS

Congressional Control of Federal Spending. By Robert Ash Wallace. (Detroit: Wayne State University Press, 1960, Pp. x, 188. $5.95.)

This is a very useful book. It is short, well-written, informative, and tidy. Mr. Wallace writes as a participant-observer. He concentrates his attention on the years 1950–54. His vantage point was the office of Senator Paul Douglas. Most of the insights in the book are keen and balanced. Mr. Wallace would be the first to admit that the title of his book is in part a misnomer. Much of his story is the *vain* attempt of Congress to control matters which are effectively beyond the rational manipulation of the legislature.

The book begins with a brief history of the appropriations structure and sub-structure in the Congress. Two excellent chapters outline appropriations procedures and the facilities available to the Congress to help make sense out of the executive budget. The heart of the book deals with techniques of control. Here Mr. Wallace is at his best. He shows how irrational the processes of control really are: using "last year" as the operating criterion for appropriations; the "meat axe"; the slash at "overhead"; the "pork-barrel." In a remarkably patient job of sleuthing, Mr. Wallace exposes the legerdemain by which the Republicans "cut" the budget in 1953. Mr. Wallace concludes this section with a proposition that only when Congress has set reasonably clear-cut standards for expenditures is rationality observable in the control of federal spending.

The concluding three chapters deal with potential improvements of control. Mr. Wallace trots out, and destroys in front of our eyes, the traditional nostrums: the single appropriations bill, the item veto, the massive injection of staff. On the matter of staff, he wisely points out that "large Congressional staffs are unwieldy for persons who cannot devote full time to their supervision, and Congress must beware . . . of shackling itself with the massive impediments of a large operation."

But with all of its wisdom and brilliance, Mr. Wallace's book is based upon a theory of congressional review of spending which borders on the unreal and naive. This is especially strange because Mr. Wallace is an old hand on Capitol Hill. His book could only have been written by someone who had watched the appropriations process at close range. But twice or more a chapter, Mr. Wallace emits a wistful cry for the "impartial," "unbiased," observer who might take a look at the President's budget and give it an "objective, critical analysis." Ticking off possibilities for this Olympian role, Mr. Wallace rejects the Bureau of the Budget (it must defend equally every item it submits); Appropriations Committee members are too "local"; committee staffs are already overworked; the Legislative Reference Service is too busy; pressure groups cannot be trusted.

Like Matthew Arnold on *Dover Beach*, Mr. Wallace sees neither "certitude, nor peace, nor help from pain." He is understandably disturbed. His distress leads him perilously close to saying, "Let's take the politics out of budget making." But since he knows this is a contradiction in terms, he retreats to a hastily-prepared position marked, "Let's take *some* of the politics out of budget making." And his chosen weapon is a substantially enlarged General Accounting Office which would implement Section 206 of the Legislative Reorganization Act and make the GAO truly " 'an office of administrative intelligence' for Congress and a more effective aid in exercizing its power of the purse."

If Mr. Wallace could guarantee that he would devote the remaining many years of his career to the GAO, and that his reports would be read by a Senate made up exclusively of Paul Douglases (and a House made up exclusively of Emily Douglases), I should welcome his suggested reform. But this is because I like the Douglas-Wallace philosophical axis. I shrink with unmitigated horror at the thought of an additional thousand bull-penned, CPA-FBI types substituting their inarticulate premises about Federal spending for the partial premises of openly-political Washington.

What we need is not more "objective" politics, but more generally-oriented, far-seeing, and responsible politics. If Mr. Wallace had asked his questions in this spirit, I wonder whether his inquiry would have led him to the GAO? Spending is at the heart of the policy. Appropriations are not something Congress *does* or *makes* or *controls:* they are what our national government *is* and *intends to be.* Looked at in this light, expenditure control becomes not a game of cops and robbers but a solemn question of executive-legislative symbiosis within the framework of a constitutional democracy. Perhaps it is a symptom of the disease of our age that a brilliant participant-observer should look into the heart of the crisis in governance in Washington and find hope in the gray cells of the General Accounting Office.—STEPHEN K. BAILEY, *Syracuse University.*

The Cost of Freedom. BY HENRY C. WALLICH. (New York: Harper & Bros. 1960. Pp. x, 178. $3.75.)

Spend and Survive. BY DAVID DEMAREST LLOYD. (Indianapolis: Bobbs-Merrill. 1960. Pp. 228. $3.50.)

The Cost of Freedom is a plea for a conservative approach to the economic development of the United States. The author, Henry C. Wallich, is currently a member of the President's Council of Economic Advisers and Professor of Economics (on leave) at Yale University.

The major thesis of *The Cost of Freedom* is the proposition that an economy such as the Soviet Union may grow faster than the United States because it is totalitarian. A dispersed, decentralized system is more inefficient in the production of goods and services than a centralized planned society. Freedom is costly and should not be sold for a mess of pottage.

Decentralization of an economic system away from controls reduces power of government over the lives of individual workers. Wallich points out that as a result of the McCarthy investigations some federal employees were dismissed. Many of these individuals found positions in the "anonymous reaches of the free market"; if governmental economic power had been more pervasive these persons might have been relegated to an economic Siberia.

One of the most interesting chapters of *The Cost of Freedom* develops the contention that large possible profits are necessary for risk taking. This situation is analogous to gambling; if there is the chance of a large reward many persons are willing to bet, but if the gain is small even though the risk is less the number of people taking a chance is substantially reduced.

The philosophy of encouraging freedom leads Wallich to be skeptical of the value of a rapidly growing government. Increased expenditures do not necessarily result in growth because many governmental projects merely redistribute income from the rich to the poor.

Several critical comments are in order: *First,* the author's emphasis on the redistribution effects of government expenditures overlooks the impact of much government spending. A highway bridge, for example, may have a positive multiplier effect on national income more than offsetting the taxes necessary to pay for the bridge. *Second,* the major emphasis is on the loss of freedom from large government even though there are several unkind remarks about the "other directedness" of persons enmeshed in large private organizations. A book on the problems of freedom should include more than passing reference to difficulties caused by the rise of the "organization man." *Third,* the rise of social control does not necessarily mean the loss of freedom. Lack of formal controls at some previous time does not mean that freedom existed to carry out policies. In past decades inadequate transportation limited local markets to such an extent that less freedom existed to buy and sell than at present. Moreover, controls of government may reflect the existence of freedom. Modern technology encourages a myriad of products impossible even in the recent past but controls may be needed to protect the public or channel investment into socially acceptable uses.

Finally, well written books in economics by economists are rare enough to require specific note! *The Cost of Freedom* does not sparkle but it does contain a dry wit which is a pleasure to read.

Spend and Survive is a completely different book from *The Cost of Freedom.* David Demarest Lloyd has written a call to action. He thinks that the federal government should take a much larger role in the economy than the economizers (Wallich ?) feel is desirable. The author estimates that the federal government will spend in 1960 $97 billion (including trust payments) but by 1970 federal spending should rise to $149 billion. *Spend and Survive* stresses the urgency of governmental action. The United States needs more schools, highways, water resources, hospital-medical care, and defense expenditures.

The major negative criticism of this reviewer is related to Lloyd's sense of urgency. An economy cannot do all things at once. Moreover, increased spending on projects such as water resource development may stimulate the economy but there may be a retarding influence of higher taxes on private economic development. Lloyd also mentions frequently that the public demands things from government but demands are only meaningful in terms of the costs of the resources surrendered to meet the public spending. The author ignores the private sector as a means of growth which will solve *some* of the problems of poverty, low incomes of the aged, and inadequate medical care.

Wallich's dry, witty defense of middle-of-the-road conservatism is a good antidote to Lloyd's activism. Both positions are necessary; readers will have to make up their own minds which needs the most "push" now or in the future.—ARTHUR R. PORTER, JR., *Hanover College.*

The Politics of Education. BY FRANK MACKINNON. (Canada: University of Toronto Press 1960. viii, 187. $4.75.)

The Federal Government and Higher Education. BY DOUGLAS M. KNIGHT, CHARLES A. QUATTLEBAUM, JAMES MCCORMACK, VINCENT A. FULMER, JOHN A. PERKINS, DANIEL W. WOOD. (Englewood Cliffs, New Jersey: Prentice-Hall, 1960. Pp. ix, 205. $1.95.)

Higher Education in the United States. EDITED BY SEYMOUR E. HARRIS. (Cambridge, Massachusetts: Harvard University Press, 1960. p. 252.)

Dr. Frank MacKinnon is a political scientist and educator who has had experience in teaching and in administration at every level of the Canadian school system. This experience has led him to think deeply and to write cogently about a thesis he believes is becoming increasingly clear and regrettable, namely, the political domination of education. In his book, *The Politics of Education,* he writes "on the side of the public schools and in support of democracy in education," but he is convinced that control of the schools by the State, in the broadest sense of the term, has gone too far. It has stunted the effectiveness of the schools and of educators. Indeed, he holds that any control other than that of those in charge of the schools is questionable. "Education is a public enterprise," says Dr. MacKinnon, "but it should be just public enough to remain enterprise." In other words the author believes that education is best left to educators. In presenting his point of view he addresses himself mostly to Canadians, but he intends that much of what he says shall be overheard in the United States.

In support of his thesis the author marshals both fact and logic. He examines the political control of education from the local boards to the provincial legislators and to the Cabinet. He analyzes "the politicalization" of educational administrators and the resulting deadening influence on the real educators, the teachers. He discusses the effect of centralized control and the consequences of imparting to the teaching profession the characteristics of civil service. It all adds up to the view that politics is an educational depressant, yet the author writes temperately and without any urgent compulsion to blame anyone for the fact. Whether or not one agrees with the principal thesis of this book he will have to agree with many of the criticisms the author makes of politically dominated school systems. No one can say that the bureaucracy of education is less suffocating than other forms of bureaucracy or deny the limits which standardization in curricula and teacher training imposes.

Yet one wonders whether the choice between a politically dominated school system and a professionally dominated school system is so clear or the contrast of benefits so evident as the author presumes. What might exist, he hopes, is a public school system controlled but not dominated by "politics" and dominated but not controlled by professional educators. This calls for social balance of a high order, for mutual cooperation and restraint as between politics and education. In this day and age, however, education is no more separable from politics than politics is from education, nor can they be. In modern society education can no more be left to educators than war can be left to generals. Nevertheless, this book deserves a wide reading for its grace of style, its thoughtful social analysis of politics and education, and its evident sense of concern for the improvement of both.

The Federal Government and Higher Education is a timely and informative book on the topic which is about to become a major concern in American life. It is a collection of five essays, written as background material for the Seventeenth American Assembly of Columbia University. The first and last of the essays were written by President Douglas M. Knight of Lawrence College and thoughtfully interpret higher education as a part of national life. President Knight makes clear that purposes of higher education are inseparable from the purposes of the nation itself, and indicates that while national needs may shape the forms and activities of higher education, colleges and universities also have a role of their own in helping to determine the goals of a nation.

The second essay by Charles A. Quattlebaum, Principal Specialist in Education of the Legislative Reference Service of the Library of Congress, is a wonderful summary, both historial and analytical, of federal policies and practices in the field of higher education. The Federal Government is already deeply involved in higher education and Dr. Quattlebaum's description of the extent of the involvement will surprise all but the best informed.

"Federal Sponsorship of University Research" is the title of an essay by Major General James McCormack (Ret.), now a Vice President of Massachusetts Institute of Technology and Vincent A. Fulmer, an Executive Assistant to the M.I.T. Board Chairman. Aside from its informative content, the distinction of this essay lies in its detailed treatment of policy and management problems entailed in a single operational field of federal participation in higher education. It is valuable as a warning and as a guide to the administration of other phases of developing federal activities in higher education.

The fourth essay on "Issues in Federal Aid to Higher Education" was written by John A. Perkins, President of the University of Delaware, and a former Undersecretary of the Department of Health, Education and Welfare, and Daniel W. Wood, who is President Perkins' Administrative Assistant. They review public and private interests in higher education, finance, religion and segregation, local versus federal control and a half-dozen other issues of philosophy and organization. People who speak glibly of federal aid as a simple matter will do well to follow the review of these problems which these experienced analysts have provided us.

While this book was prepared primarily for the use of participants in the Seventeenth American Assembly it can serve the same purpose for educators and citizens everywhere who want to be informed about the next stages in American educational development.

Higher Education in the United States, edited by Professor Seymour E. Harris, is devoted to the economic problems which higher education now faces and is destined to face in the future. The book grows out of a seminar held at Harvard under the sponsorship of the Ford Foundation in 1958–59 designed to direct the interest of both economists and educators to the economic facts of life for higher education. Dr. Harris, who has taken vigorous leadership in the economic discussion of education, writes the introduction to this report and presents some of the broad issues. The issues: how to pay for education; who should pay; government aid; faculty pay; economies of management; waste; new educational experiments; endowments, and the like.

The supporting cast of contributors are well known educators—presidents, deans, treasurers, government officials, foundation officers and professors. They probe all of the topics Professor Seymour summarizes in his introductory chapter. Differences of opinion are numerous—for example, who should pay and how much, for what—but all are aware that there is a close relationship between quantity and quality of education and economic resources. The essays are too numerous to be discussed in detail but as a collection they will provide guidance and information for the public debates ahead.—HAROLD W. STOKE. *Queens College.*

Land For The Future. BY MARION CLAWSON, R. BURNELL HELD, and CHARLES H. STODDARD. (Baltimore: Johns Hopkins University Press. 1960. Pp. xxi, 570. $8.50.)

The authors, of the staff of Resources for the Future, here "consider the changing uses of land in the United States, historically, at present, and in the light of expectations extending to the year 2000. Our basic concern is the conflict between the demands of an expanding economy and a fixed area of land. Our aim is not so much to produce forecasts as to gain an understanding of continuing forces of transformation." They state in an Introduction their "assumptions and projections" as to population, income growth and institutions; Clawson sets forth a conspectus of "The Land in Time and Space" in which newer emphases in the treatment of natural resources appear. The emphasis is on use, economic measurement, technological and social change, changing expectations, all pointing to increased countercoercions through government and other social institutions. The explosive growth of cities, including smaller ones, is stressed. There follow five chapters which describe historically and diagnose trends in major land uses (urban, recreation, agricultural, forestry and grazing) and a sixth on "miscellaneous" uses of land in and for transportation, reservoirs and water regulation, minerals, wildlife, and lands of special physical characteristics such as wetlands, dunes and deserts. These constitute the bulk of the book. A final chapter includes estimates of future land uses generally and by regions, their "policy implications" and some resulting "institutional problems."

This conspectus has value for the political scientist. It is both a convenient account of a basic factor in the ecology of government and an appraisal of changes in the past, now under way, and probable during the next forty years. A break with some past assumptions is present and challenging. There is a shift from the old emphasis on natural environmental determinism to the importance of the "contriving mind" and the positive, conscious effort for creative thought. The emphasis on population and land use leads naturally to an urban orientation since the increasing proportion of users is there now and would appear to increase further in the forty years ahead. There is no alarmist stress as to food or fibre supplies—more intensive application to existing areas replaces prophecy of catastrophe in the "rough projections." Some may find a touch of complacency here. But within these larger assurances, there are comments warning of the need for meeting the coercions of change by counter-coercion in details and in specific area; for example, as to large cities, suburbs, and (now relatively neglected) smaller cities and towns; in securing while there is yet time areas for recreation; in meeting problems of "the permanent surpluses" in agriculture; in better use of the small forest holdings; in better treatment of grazing lands; and wiser planning of highways and reservoirs. All these require changes in institutions and public policy. In terms of rising demands and competition between land uses, "the public role in aiding, modifying, or controlling private land use undoubtedly will become greater." While "no crisis appears probable in the lifetime of anyone now in their middle years . . . some changes will take place. . . . They will tend to be localized. . . . Changes *within* each land use are likely to be more important than changes *between* land uses." Here are the raw materials of politics—and food for the political scientist.—JOHN M. GAUS, *Harvard University.*

The Politics of Nonpartisanship. BY EUGENE C. LEE. (Berkeley: University of California Press, 1960. Pp. xiii, 232. $4.75.)

Nonpartisan elections are not those in which no partisanship occurs; they are only those "in which no party label appears on the ballot, and candidates are normally nominated by a simple petition process," to use the author's definition. More than 60 per cent of American cities have the system, and it is strange that such a widespread scheme has been as little studied as it has. Here, the results in six California cities are examined in detail, and the returns from questionnaires to officials, civic, and political leaders in the state are presented in 55 tables.

Parties do not go away; nonpartisanship in California works to the advantage of the Republicans, so that their county chairmen wish to see it continued, but the Democratic chairmen would prefer a return to the partisan ballot. Lee's figures support the feeling of the politicians: "The data indicate that persons holding important elective and appointive office in California cities and counties tend to be Republicans by a three to two margin, almost the direct reverse of the distribution of the state's registered voters."

Although parties sometimes operate behind the facade of nonpartisanship, the typical result of the nonpartisan ballot in California appears to be a substitution of Main Street group politics, plus the politics of personal acquaintance, for party politics: the local newspaper, the Chamber of Commerce, the service clubs, and women's organizations are the most influential. As one respondent wrote to the author to describe how candidates for the city council are recruited: "Usually the present city council or the Chamber of Commerce will pick an outstanding man and ask him to run. He has never failed to be elected." This kind of politics of course elects Republicans and shuts out labor, Negro, and minority representation.

Turnout in nonpartisan elections tends to be low: "More than half of the registered voters generally fail to vote in a municipal race," in California, and the author worries just a bit that the system encourages political alienation—an attitude on the part of many voters that voting in city elections is futile when upper-class groups have everything under control.

Lee presents a "score card" on the California nonpartisan election system in which, among other conclusions, he says that it rates "pretty good" at kicking the rascals out, "pretty bad" on participation and representativeness, "about average" on issues and platforms, and "above average" on the ability and integrity of elected officials.

Our vast area of ignorance about local politics would be greatly contracted if studies of this sort were conducted in other states that use the nonpartisan ballot.—DAYTON D. MCKEAN, *University of Colorado.*

The Quest for Equality. BY ROBERT J. HARRIS. (Baton Rouge: Louisiana State University Press, 1960. Pp. xv, 172. $4.00.)

According to the publisher "this book represents the first complete synthesis of American political theory, constitutional history, and constitutional law with regard to equal protection." The witty and gracious author is more modest. His purpose was simply to present "a cursory examination of the historical development of the ideas of equality and protection, the legislative history of the equal protection clause, and judicial interpretation of it. . . . " Outsiders may be inclined to place the book somewhere between these two extremes. In any case its major concern is the "interesting contrast between . . . legislative intent and judicial construction." Professor Harris first explores the "debut of the Fourteenth Amendment" against the background of "the American tradition of equality" as evolved from "classical political theory, the Roman jurists, the feudal law, the social compact and the Declaration of Independence. . . . " He then examines many of the relevant Supreme Court decisions. His conclusion is that the "generous" intention of Congress as revealed in its proceedings from 1866 through 1875 has been largely frustrated by judicial review. On the frustration point there is general agreement—*but there has not been anything like agreement* (*even among liberals*) *on the "true meaning" of the amenders.* Working from essentially the same sources, the most extensive modern surveys—those of Harris, James, Bickel, Frank and Monroe, to say nothing of counsel in the *Segregation* cases—arrive at substantially differing conclusions. The judges may be "wrong," but we still do not agree on what Congress thought was "right." This suggests that the Court's 1954 conclusion was essentially correct: these "sources cast some light [but at] best are inconclusive."

Must we indeed be bound by the "intention" of the authors, or adopters, of the Constitution? After all Bickel may be correct in concluding that the Fourteenth Amendment was not "meant to apply . . . to . . . segregation." It seems highly probable that Leonard Levy is right in concluding—reluctantly—that the First Amendment was not intended to protect "free speech" in any generous modern sense. Indeed it seems quite plain that many vital aspects of our present democratic system violate the "intentions" (as amended) of the Founding Fathers. Surely the Constitution would long since have passed away if America had always respected the "dead hand" of its heroic past.

If we are to have a "living Constitution" the Court must do what in general it has always done: it must follow not so much the purposes of men long dead, as the conscience or "common sense" of the living community. What one generation conceives as fundamental ("laissez-faire," for example) usually seems somewhat less than crucial to another. That, of course, is why the same constitutional provisions mean different things in different eras—which is to say each generation of Americans has been a good deal more self-governing than the cumbersome formal amending process contemplates.—WALLACE MENDELSON, *The University of Texas.*

Improving Our Courts: Collected Essays on Judicial Administration. BY SHELDON D. ELLIOTT. (N. Y.: Oceana, 1960. Pp. 189.)

This volume although modest both in size and intention is a welcome addition to the literature on judicial administration. It brings together some fourteen essays by Professor Elliott, who has been Director of the Institute on Judicial Administration of the New York University Law School. All of the essays have been previously published, but they fit together well and, surprisingly, are not unduly repetitive. The style is uniformly lucid and direct and informative, and the book offers a good perspective on the field as a whole.

The essays fall roughly into two categories. Half of them are the annual surveys of developments in judicial administration from 1952 through 1958 which Professor Elliott prepared for the Annual Survey of American Law. These are prefaced by an essay reviewing changes from 1906, the date of Roscoe Pound's celebrated speech before the American Bar Association, *The Causes of of Popular Dissatisfaction with the Administration of Justice.* The book thus provides a simple, compact history of developments over the past half century. Professor Elliott has accepted, without rearguing the points, the Minimum Standard of Judicial Administration adopted by the American Bar Association in 1933 as the criteria of good judicial administration and the book attempts primarily to chronicle the degree to which they have been achieved in the United States. Professor Elliott has not chosen to draw together in a single summary essay the themes that his diary of developments suggest, which is, I think, regrettable. The slowness and unevenness of changes—for example, there is a striking increase in judicial salaries but almost no change in the number of judgeships—invite reflection on the difficulties in a democracy of mobilizing popular support for court reform. One is tempted to suggest that it is a relatively clear and simple issue such as this and not the esoteric issues of fiscal policy, farm supports, or disarmament or the controversial issues of labor policy, which most vividly discloses weaknesses in the democratic process. Professor Elliott does add a final essay on how to secure citizen support, but it does not probe very deeply.

The two heroes of the book are clearly Roscoe Pound and Arthur Vanderbilt: Pound because in his prescient speech in 1906 he outlined the issues in a fashion which survives today as perhaps the best statement of them; Justice Vanderbilt, because he led the translation of so many paper reforms into concrete action and gave high evidence of what one intellectual activist could accomplish.

The second group of essays are on more general themes: the contributions of Justice Vanderbilt, judicial independence, judicial selection and tenure, the new court system in Puerto Rico. However, except for the essay on selection which summarizes the debate over appointment versus popular election of judges, the writing stays clear of areas of controversy.

The book as a whole thus suffers from a kind of blandness, of flat factual reporting. It does not wrestle with the puzzle of what kind of public official in a democracy a judge is or should be. Its idiom is rather that of tenure, selection, retirement plans and salary level.

One suspects that this blandness results not only from the modesty of Professor Elliott's aims, but also from a lack of focus in the conventional view of what judicial administration covers. Perhaps a careful analysis would reveal that the business of running courts like most businesses has administrative managerial problems and that the activities of a court are not entirely adjudicatory as the lawyer is prone to think. But the conventional definition of the field, which Professor Elliott's book adopts, includes such matters as jury selection, court congestion, traffic tickets, and pre-trial. These are assuredly interesting and important topics, but their inclusion here has two negative consequences. They are not discussed seriously in their own right; and they make it difficult to locate a common theme or subject in the book as a whole.

Professor Elliott has executed admirably the limited task he set for himself. But perhaps the time has come for the dropping of "judicial administration" as an honorific name for a congeries of disparate problems, and for the writing of a critical essay on what a judge today actually does and is.—HARRY KALVEN, JR., *University of Chicago Law School.*

The American Supreme Court. BY ROBERT G. MCCLOSKEY. (Chicago: The University of Chicago Press, 1960. Pp. 260. $5.00.)

This is an exceptionally fine book which accomplishes more than the author claims for it. In the Preface, Professor McCloskey states that the book "does not purport to describe the activity of the Court as a whole; much less is it a history of constitutional law in the widest possible sense, treating of constitutional developments that have been brought about by legislative and executive action or by the subtle process we call custom. Finally, because it is a brief book, I cannot of course even claim that it covers the story of judicial review comprehensively. The chapters are interpretative essays in the history of judicial review. They deal with aspects of that history that seem to me important and interesting, but they omit material that might legitimately seem equally important or interesting to another." Despite this disclaimer, Professor McCloskey compresses the major elements of the rich and complex story of the American Supreme Court into a good summary history of the Court smartly attired in stylish writing.

To observe that scholars of constitutional history and law will learn little new from this work is not to find fault. This book, like others in the "Chicago History of American Civilization" series of which it is a part, is presumably written for the general reader and student of American history and government. In this connection, the work will be particularly useful as supplementary reading for students in courses in Constitutional History and Constitutional Law. In addition to giving the students a feel for the broad sweep of Supreme Court history, the book provides succinct and insightful discussions of many of the cases which such students are normally required to read.

Professor McCloskey deals with the Court in all periods of American history. He devotes successive chapters to the Founding Fathers, the Marshall Court, the Taney Court, the period 1865–1900, the period 1900–1937 and the period 1937 to the present. The history of each period is, of course, generalized yet, surprisingly, rich in detail for such a short book. The history is accurate as to the facts and sound in interpretation. An added attraction of the book is the chapter containing a bibliographical essay.—HAROLD W. CHASE, *University of Minnesota.*

The Supreme Court. Its Politics, Personalities, and Procedures. BY JOHN R. SCHMIDHAUSER. (New York: Holt, Rinehart and Winston, Pp. ii, 193.)

The "public lawyers" among us are stirring. They are attempting to alter the emphasis from traditional case analysis and biography to a consideration of the judiciary in political terms. This excellent volume reflects these stirrings. It is another in the growing body of literature which treats the "stuff" of public law as political data.

In this brief but informative volume, primarily designed for supplementary reading in American government and constitutional law courses, Schmidhauser describes the selection of Supreme Court justices, the social and political backgrounds of the men who have been chosen, the Supreme Court's internal procedures and customs, each treated historically, and, above all, the political techniques and goals of the leaders of the American Bar Association.

I found least interesting, and somewhat out of place, the materials on the social and political background of the 92 men who have served on the Supreme Court. Much more exciting is Schmidhauser's careful demonstration of the political nature of the American Bar Association's drive—under the guise of "taking the courts out of politics"—to control judicial selection; his analysis of the biases underlying the Bar Association's charges that the post-1937 Supreme Court justices are biased; and his treatment of the policy consequences of the Court's internal procedures.

Even the politically unsophisticated can usually distinguish between a political pronouncement of the American Medical Association and a scientific-technical medical recommendation, but they tend to treat all the pronouncements of the American Bar Association as objective evaluations by disinterested technicians. When the Bar Association endorses a method of judicial selection, condemns as "unfit" a judicial candidate or accuses the Supreme Court of undermining the federal system, the political biases of the Bar leaders are often hidden behind ideological smokescreens of objectivity. Yet as Schmidhauser fully documents, the American Bar Association's more sophisticated efforts to dominate judicial appointments and to influence judicial decisions may have a greater impact than the more flamboyant and obviously political efforts of the Jenners and Eastlands.

Schmidhauser traces in detail the political and social changes which transformed the state courts into strongholds of conservatism and produced a national Supreme Court which defends urban-based civil liberties values. He shows how, as the state courts became more congenial to their positions, the American Bar Association spokesmen withdrew their support from the national Supreme Court and shifted it to the state supreme courts.

Since Schmidhauser draws most of his illustrative materials from the workings of the ABA, there is a danger of inferring (not that Schmidhauser makes any such statement) that the Bar Association's leaders operate in a fashion different from the rest of us, that they are "bad guys" using unfair tactics to get the "good guys" on the Supreme Court. But except for the fact that the public is more likely to take their pronouncements as objectively-established facts, the leaders of the Bar Association behave no differently from other participants in the policy-process. The recommendations of the spokesmen for the American Bar Association about judicial selections or their charges against the Supreme Court are not "dispassionate appraisals" by disinterested scholars. But then neither are many of the policy pronouncements of others, including even political scientists. Our choices, too, often grow out of values which precede rather than derive from our studies. For example, some of us feel that the post-1937 Supreme Court's defense of noneconomic liberties and its refusal to interfere with legislative regulation of the economy is the path of wisdom. The difference we have with the leaders of the American Bar Association is primarily a difference over political objectives and values. And there is that other difference—our values are the right ones, of course.—JACK W. PELTASON, *University of Illinois.*

Quantitative Analysis of Judicial Behavior. BY G. A. SCHUBERT. (Glencoe: Illinois, The Free Press, 1960. Pp. xxi, 392. $8.00)

Professor Schubert is one of a handful of public law specialists seriously interested in applying quantitative methods to the study of judicial behavior. He takes no exception to the penchant of most of his colleagues for evaluating court decisions with the traditional tools drawn from history, philosophy and law. But he does feel that far too little energy has been devoted to "how" and "why" appellate courts act as they do. He further believes that quantitative methods are more likely to provide answers to these motivational questions than the more traditional tools of analysis. One major purpose of this book is to illustrate the kinds of questions which can be examined by a variety of quantitative techniques. The heart of the volume consists of four essays, three of which are heavily methodological in character. The fourth essay deals with a substantive problem, summary decision-making by the United States Supreme Court. This latter essay is likely to have the widest appeal and is therefore considered first.

Schubert's analysis of summary decision-making is the most extensive and stimulating study of the Court's increasing workload and the manner in which docketed cases are handled that has appeared anywhere. Yet no techniques more elegant than simple counting, means, and ratios are employed. Some of the conclusions, it is true, can hardly be regarded as strikingly original (*e.g.*, the major increase in the number of cases docketed in recent years has been caused by petitions *in forma pauperis;* the Court's disposition of appellate claims is just as discretionary as its handling of petitions for certiorari; the reasons given for summarily dismissing appeals are seldom very informative)—although in these instances his documentation is generally more adequate than any previously presented. Other conclusions are more novel: an increasingly large proportion of the Court's time and energies is devoted to summary as distinguished from formal decision making; the Supreme Court accepts jurisdiction in far more appeals cases coming from federal courts than from state courts because it feels greater responsibility for and authority over the federal courts; whether review is granted, especially when the Court's decision is announced per curiam, tends to be determined by the Court's approval in a psychological rather than in a legal sense of the decisions reached below; the currently crowded condition of the Court's docket gives law clerks greater weight in administering the Court's business than they had in the past. The conclusions falling into this latter group are never inconsistent with Schubert's data, but neither are they always the only conclusion which his data can support. Until some of the free parameters (such as subject matter, parties involved, and divisions among lower court judges) are removed, final judgment on the soundness of some of his more novel conclusions will have to be reserved.

The three methodological essays deal with block, game, and scalogram analysis. Although more than one can often be employed in attacking a given problem, each technique has its characteristic uses. Bloc analysis examines the extent of agreement among two or more justices in an effort to permit inferences about the existence and behavior of groups within a court, and about the impact of these groups on individual justices and on the court. Game theory is used in this its first application to judicial decision-making to establish models of rational behavior based upon explicitly stated assumptions about the motivation of the justices, and then to measure the extent to which the actual behavior of the justices does in fact satisfy the model. The third technique, scalogram analysis, is used to determine whether the responses of the judges in a set of cases can be ranked ordinally with regard to some variable or dimension. Scalogram analysis is potentially a most valuable analytical tool for explaining past and predicting future behavior because, if data can be rendered ordinal, one is no longer confined to the relatively low-powered statistics appropriate for dealing with merely nominal data.

In each of his three methodological essays Schubert attempts with considerable success to spell out the procedures he has used with sufficient clarity and detail so that the many tables and diagrams in his book can be independently and exactly replicated. He then applies each technique to one or more substantive problems involving the United States Supreme Court, and, in one instance, the highest court of Michigan. Professor Schubert readily admits that his efforts to set forth unambiguous procedures have not always been completely successful. Moreover, there are instances in which his procedures are more ambiguous than he seems to think. For example, using the methods he prescribes Justice Burton can be given a scale score of "eleven" or "six" as well as the "three" he is assigned in Table 5.2A. While Schubert's improvements over the bloc analysis techniques of Professor Pritchett should be noted and applauded, it is also well to point out that far more powerful statistics than Schubert has employed, the Phi Coefficient and the Contingency Coefficient, may be rather easily adapted for bloc analysis.

A more serious criticism is that, in the reviewer's opinion, scalogram analysis as Schubert undertakes it is not ordinal scaling at all. Schubert seems to feel that he has attained the desired ordering simply by arranging a set of cases in accordance with the margins by which the Court has decided them (9–0, 8–0, 8–1, 7–1, 7–2, 6–2, 6–3, 5–3, 5–4, 4–4, 4–5, 3–5, 3–6, 2–6, 2–7, 1–7, 1–8, 0–8, and 0–9)—providing only that such an arrangement results in a high coefficient of reproducibility. This reviewer is not persuaded that these procedures are even remotely satisfactory for establishing ordinality.—JOSEPH TANENHAUS, *New York University.*

Mailman U. S. A. BY WILLIAM C. DOHERTY. (New York: David McKay Company, Inc., 1960. Pp. viii, 308. $4.50.)

This is a history of the National Association of Letter Carriers, as prepared by its incumbent president, William C. Doherty. It is charged with partisanship—bitter in its condemnation of those alleged to have stood in the way of the union's development (principally post office officials) and high in its praise of all who have assisted it on its way.

For students of administrative history, Mr. Doherty's account of the triumphs and tragedies of letter carriers will be of interest chiefly for the light it throws on a variety of incidents in the development of postal administration. In 1902, for example, the union took an active part in campaigning against a California congressman who had, as chairman of the post office committee in the House, opposed the activities of the union in behalf of higher salaries for postal employees. According to Doherty, the letter carriers played a decisive role in this congressman's defeat for reelection.

Doherty also makes the somewhat startling suggestion that the appointment of a career employee, Jesse Donaldson, to be Postmaster General in 1947 resulted in an increase in political influence within the department. There is some evidence here, however, that this charge, as well as Doherty's general resentment against Donaldson, stems from the latter's efforts to institute economies in post office operations, especially his order introducing the one-delivery system in residential areas. Doherty's summation of Donaldson's career is, if nothing else, pungent: "A career man, when he is good, is almost unbeatable; when he is bad he is almost unbelievable."

As Doherty points out, the letter carriers have enjoyed phenomenal success in using the rarely invoked discharge petition to get pay legislation pried loose from consideration by congressional committees. Of the thirty-one successful discharge petitions that have been initiated during the past half-century, the letter carriers have been responsible for six. One factor accounting for this enviable record would appear to be the fact that Doherty, although a Democrat, has gone to considerable length to cultivate bi-partisan support, and in these pages he lavishes fulsome praise on such Republican stalwarts as Robert A. Taft and Joseph D. Martin.

Apart from these sidelights on history, there is very little in this book that would be of interest to a serious student of trade unionism in the public service.—Francis E. Rourke, *The Johns Hopkins University.*

The Jefferson Image in the American Mind. By Merrill D. Peterson. (New York: Oxford University Press. 1960. Pp. x, 548. $8.50.)

Dr. Peterson's purpose, to reveal "what history made of Thomas Jefferson," is accomplished by a thorough and scholarly presentation of the ever-changing, markedly diverse, and highly complex "Jefferson image." This image is the composite representation of Jefferson's historic personage and "the ideas and ideals, policies and sentiments, habitually identified with him." Primary emphasis is placed on the image's shaping power and on the light it casts upon the evolution of American culture. The book includes a detailed and invaluable, chapter-by-chapter guide to sources.

The charting of Jefferson's course in American thought and imagination commences with a discussion of the hymns of praise for Jefferson and John Adams on the occasion of their deaths, July 4, 1826. Since Jefferson was a figure of contradictions (philosopher and politician, aristocrat and democrat, cosmopolitan and American), even his eulogists were unable to prefigure a simple and coherent image of the man. Everyone, then and thereafter, became his own Jeffersonian.

During the 1827 to 1840 period, competing political parties claimed legitimate descent from Jefferson. He could be, and was, quoted on any side of almost every question. Two images, the Father of Democracy (majoritarian democracy) and the Father of State Rights, overshadowed the Apostle of Liberty picturization which dominated the 1826 eulogies.

The customary appeal to Jefferson as an authority continued during the years immediately preceding the Civil War. On the eve of conflict he was the declared saint of both the Democratic and Republican parties. Opponents and proponents of slavery sought justification in his opinions; they also indicted him for their distresses. Eventually, Jefferson's reputation was seriously damaged by the irreconcilable conflict between two of the major political traditions fostered by him—democracy and state rights.

As the Twentieth Century dawned the luminous power of the Jefferson image was restored. This restoration is traced through the period of the Spanish-American War and the decades culminating in the Roosevelt New Deal. The New Deal's importance for Jefferson was twofold. First, the voice of its opposition was Jeffersonian. Second, the New Deal, being essentially Hamiltonian in character, killed the Jeffersonian philosophy as a recognizable and usable tradition in American government and politics. Difficulties encountered by the New Dealers in translating Jefferson into a symbol congruous with their program were ultimately resolved by stressing Jefferson's faith in the right and the ability of each generation of free men to rediscover their heritage and to work out their destiny in its spirit.

Disintegration of the Jeffersonian philosophy of government heralded the ultimate canonization of Jefferson as the Cultural Hero, as a symbol for a way of life and for ideals of beauty, science, learning, and conduct. For Jefferson, the road to Olympus was turbulent and tortuous. Looking backward from Olympus, "what stood clear as if in a rising straight line" was his "indomitable faith in human freedom." In the closing paragraph of this book, a volume too rich in content for adequate summarization, Dr. Peterson observes that this faith in freedom may continue to vindicate Jefferson's power in American national life even though many Jeffersonian values have slipped away.—ERNST B. SCHULZ, *Lehigh University.*

Turner and Beard: American Historical Writing Reconsidered. BY LEE BENSON. (Glencoe: The Free Press, 1960. Pp. xiii, 241 $5.00.)

Into this fairly brief but provocative and stimulating volume has gone a tremendous amount of study and thought. The footnotes alone constitute an extensive running commentary on various learned men and their ideas. In essence what Mr. Benson attempts is a new appraisal of the "Turner Thesis" and the "Beard Thesis," especially with regard to their derivation from European scholarship, and the quality of their inner logic and methodology. The author's attitude toward his two historians is both respectful and penetratingly critical. He never employs the acid tone which has of late been directed against Beard in particular.

Benson opens his case by pointing out that despite "surface differences" there were "fundamental similarities" in the work of Turner and Beard. "Searching for an overarching scheme that would help them comprehend and summarize American experience, Turner and Beard both drew upon European models. Both adopted eclectic approaches that inconsistently combined concepts taken from the 'economic interpretation of history' and from economic determinism. Consequently, they both presented theses that are ambiguous and self-contradictory." From this beginning the author goes on to develop his case with almost ponderous erudition.

In Part I, Benson presents a critical study of the concepts of Achille Loria, the 19th-century Italian economist, and suggests that Turner was significantly influenced by Loria's "rigidly deterministic economic interpretation of history" with its emphasis on the factor of "free land" available for cultivation. Part II examines the historical background of Turner's frontier essay, with especial attention to changing conditions in American life which contributed to the "intellectual milieu" in which Turner's major ideas took form. The remainder of the book, and the greater part, is devoted to Benson's incisive critique of Beard and Beard's critics.

Despite Beard's familiarity with the work of Seligman, Benson argues, he seemed unaware of the essential differences between "economic determinism" and "economic interpretation." Indeed, he used the two terms interchangeably. This failure led him inevitably into the errors which mar his thesis on the Constitution, errors which Benson is at great pains to isolate and indicate. Moreover, Beard's methodology is sharply challenged, especially his oversimple classification of men. At the same time, both Robert E. Brown and Forrest McDonald, Beard's most vigorous critics of the past decade, are soundly chastised for misreading what Beard said and thereby invalidating their own criticisms. Benson gives full credit to "the sage of New Milford" for courageous pioneering in a relatively unmapped field of history.

Finally, the author brings to the fore, with proper modesty, his own tentative thesis about the formation of the Constitution. It is essentially a "social interpretation," constituting a modification of Beard's "economic interpretation." To Benson the significant conflict in the 1780's was between *agrarian-minded* men and *commercial-minded* men, but with many other variables besides the usual one of economic self-interest; at least he feels that upon such a hypothesis further investigation may be based. His suggestions are intriguing, and students of the period will do well to read this book with care.—DOUGLAS EDWARD LEACH, *Vanderbilt University.*

The Trumpet Soundeth: William Jennings Bryan and His Democracy, 1896–1912. BY PAUL W. GLAD. (Lincoln: University of Nebraska. 1960. Pp. xiii, 242. $4.75.)

This excellent book fills the long-standing need for a good study of William Jennings Bryan's political leadership. *The Trumpet Soundeth* is neither a biography nor a comprehensive account of party battles, but rather an analysis of the Peerless Leader's ideas and techniques during the years when he was his party's most important leader. The author's research, especially in manuscript materials, is impressive, his approach is judicious, and his style is felicitous. He has produced a fresh appraisal which is nothing less than a rehabilitation of Bryan as a successful party leader.

Professor Glad makes Bryan's political leadership comprehensible by showing that his career was set in the context of a moralism derived from American Protestant Christianity, shaped by the educational agencies of the Middle Border, and made meaningful by the agrarian uprising. Other scholars have pointed out the Commoner's contributions to the liberalization of his party and to the triumph of progressive measures throughout the country. But Glad does much more. His study provides convincing proof of Bryan's consistency in adhering to fundamental principles, of his effectiveness as leader of the opposition party, and of his success in committing his own party to reform ideals and in forcing the Republicans to adopt progressive proposals. By interpreting Bryan's opposition leadership as a link between the agrarian crusade of the nineteenth century and the progressive movement of the twentieth, and by contrasting his leadership of the rural progressives with Theodore Roosevelt's leadership of the urban progressives, the author throws new light on the baffling problem of defining American progressivism. But the real measure of his success is his explanation of the origins of Bryan's ideology and the nature of his response to the social scene during the progressive era. This is so cogent as to make understandable a man and a set of values which even as early as the 1920's appeared anachronistic to most Americans.

A fuller discussion of party dynamics during the Bryan era would have strengthened the book, as would some elaboration of other points. But students of American politics and of American political and intellectual history will find this a valuable and an exciting book.—DEWEY W. GRANTHAM, JR., *Vanderbilt University.*

The Burden of Southern History. BY C. VANN WOODWARD. (L.S.U. Press, 1960. Pp. 200. $3.50.)

In this most thoughtful and penetrating book the author considers the dilemma of Southerners who wish to divest themselves of their peculiar regional vices without completely disowning their Southern heritage. Under the pressure for conformity many modern Southerners feel that to become truly American they must reject altogether their regional traditions and embrace national legends in which they can participate only vicariously or in part. This is neither necessary nor desirable since the collective experience of its people provides the South with a heritage worth cherishing and gives it at least partial immunity to the pressure for conformity. The American experience is a unique one of abundance, success, and victory; Southern experience is one of frustration, failure, defeat, and poverty. Thus the South, far more than the nation as a whole, has shared the common experiences of mankind. Southerners therefore should be able to see more clearly the tragic and ironic aspects of our national history and should be less likely to succumb to the American illusion of innocence and virtue. With their greater knowledge of the dilemmas which confront other nations they should be of particular service to the nation by helping to chart its political course.—HERBERT WEAVER, *Vanderbilt University.*

The Chinese in the United States of America. BY ROSE HUM LEE. (New York: Oxford University Press, 1960. Pp. 465, $7.25.)

This book deals with a problem of some political and sociological significance for American society, the lack of assimilation of the Chinese into American society. The presence in a society of any minority group that retains its distinctiveness over several generations as the Chinese in the United States have done poses some sharp problems. Such minority groups are a possible threat to the political structure of the society and act as an irritant to cultural integration. Unfortunately, instead of a solid analysis of the social position, power and influence of the Chinese minority in the U. S., Miss Lee has written an indictment, which appears to this reviewer to assume the features of a personal vendetta.—JEANNE CLARE RIDLEY, *Vanderbilt University.*

Americans At War. BY T. H. WILLIAMS. (Baton Rouge: Louisiana State University Press, 1960, Pp. xi, 139. $3.50.)

These essays are revisions of lectures given at Memphis State University in 1956 and possess more than the usual casualness typical of this genre. The subtitle of the volume is "The Development of the American Military System," but one-third of it deals with the Civil War, and what comes before 1860 and after 1865 is treated pretty sketchily.—SAMUEL P. HUNTINGTON, *Columbia University.*

Public Opinion in American Society. BY CLARENCE SCHETTLER. (New York: Harper & Brothers, 1960. Pp. ix, 534. $7.00.)

This is an interdisciplinary study of public opinion, largely as it relates to American society. References to public opinion in other nations and historical data have been generally excluded. It is an interesting, in some ways exciting, introductory textbook. It should be adequate for the field of political science, although its emphasis tends in the direction of sociology and social psychology.

Professor Schettler died of coronary thrombosis on May 29, 1958, two days after he had submitted the manuscript of *Public Opinion in American Society* to his publishers. Professor Ralph K. Huitt of the University of Wisconsin did the final work in preparing the manuscript for publication.—FREDERICK C. IRION, *University of New Mexico.*

Mass Communications. EDITED BY WILBUR SCHRAMM. 2d edition. (Urbana: University of Illinois Press, 1960. Pp. xi, 695. $6.50.)

The 1948 edition of this collection grew out of a series of conference papers; the present volume has been greatly expanded into a collection of readings chosen from widely scattered sources, including books, journal articles and research reports. Aside from a new section on "Development," the readings are organized under the same general headings as the previous work: structure, function and process; control; content; audiences; effects; responsibility. The book is well-adapted for reference purposes (there is a useful bibliography) and for supplementary reading in connection with undergraduate texts like Albig, Doob or Powell. It is less advanced than the collections of *Katz et al* (Wiley), or *Berelson* and *Janowitz* (The Free Press).—A. L.

SELECTED ARTICLES AND DOCUMENTS ON
AMERICAN GOVERNMENT AND POLITICS

Franklin L. Burdette
University of Maryland

ARTICLES AND BOOKLETS

National Government

Andrews, William G. Democracy and Representation in the Senate. *South Atlantic Quarterly.* Autumn, 1960.

Articles on American Indian Law. [Symposium.] *Federal Bar Journal.* Summer, 1960.

Buchanan, William, Heinz Eulau, LeRoy C. Ferguson, and John C. Wahlke. The Legislator as Specialist. *Western Political Quarterly.* September, 1960.

Cornwell, Elmer E., Jr. The Presidential Press Conference: A Study in Institutionalization. *Midwest Journal of Political Science.* November, 1960.

A Decade of Legislative History in the Supreme Court: 1950–1959. *Virginia Law Review.* November, 1960.

Hertzberg, Arthur. The Protestant "Establishment," Catholic Dogma, and the Presidency. *Commentary.* October, 1960.

Hyman, Harold M. Johnson, Stanton, and Grant: A Reconsideration of the Army's Role in the Events Leading to Impeachment. *American Historical Review.* October, 1960.

Kendall, Willmoore. The Two Majorities. *Midwest Journal of Political Science.* November, 1960.

President's Commission on National Goals. Report. American Assembly, New York. 1960.

Salera, Virgil. U. S. Immigration Policy and World Population Problems. American Enterprise Association. 1960.

State Government

Abernathy, Byron R. Some Persisting Questions Concerning the Constitutional State Executive. Governmental Research Center, University of Kansas. 1960.

Constitutional Revision in Kansas: The Executive and the Legislative. Governmental Research Center, University of Kansas. 1960.

Drury, James W., and James E. Titus. Legislative Apportionment in Kansas: 1960. Governmental Research Center, University of Kansas. 1960.

James, Charles S., and Kenneth K. Lau. Aloha, Malahini [Hawaii]. *State Government.* Autumn, 1960.

Joyner, Conrad. Notes on the Louisiana Constitution of 1921. *Southwestern Social Science Quarterly.* September, 1960.

Pealy, Robert H., ed. The Voter and the Michigan Constitution. Institute of Public Administration, University of Michigan. 1960.

Property Taxation and the Wisconsin Tax System. Bureau of Business Research and Service, University of Wisconsin. 1960.

Reeves, John Estill. Kentucky Government. Bureau of Government Research, University of Kentucky. 1960.

Schten, Edward V. Insurance on State Property in Kentucky. Bureau of Government Research, University of Kentucky. 1960.

Walker, Harvey. The Legislature Today. *National Civic Review.* November, 1960.

Zenor, Dean. State Constitutional Conventions: The Legislature's Role Preparing for a Convention. Institute of Public Affairs, State University of Iowa. 1960.

Local Government

Beasley, Kenneth E. Using Citizen Advisory Groups. *Public Management.* November, 1960.

Bingham, David A. Constitutional Municipal Home Rule in Arizona. Bureau of Business and Public Research, University of Arizona. 1960.

Boles, Donald E., and Karl A. Fox. Welfare and Highway Functions of Iowa Counties. Iowa College-Community Research Center, Iowa State University, Ames, Iowa. 1961.

Cenedella, Robert. A lesson in Civics [on Town Meeting]. *American Heritage.* December, 1960.

The City in Transition. [Symposium.] *Journal, Stanford Research Institute.* Fourth Quarter,1960.

Etter, Orval. Referential Practices in Municipal Legislation. *Oregon Law Review.* April, 1960.

Highway Planning on the County Level. *County Officer.* October, 1960.

Karsch, Robert F. Guideposts for Council-Manager Relations. *Public Management.* November, 1960.

Kelso, Paul. A Decade of Council-Manager Government in Phoenix, Arizona. City Council, Phoenix. 1960.

Kidd, Paul E. Public Relations for West Virginia Municipalities. Bureau for Government Research, West Virginia University. 1960.

Lee, Eugene C. The City Manager and the Sixties. *Public Management.* December, 1960.

Municipal Finance. [Symposium.] *Boston Law Review.* Fall, 1960.

O'Quinn, Trueman. Annexing New Territory: A Review of Texas Law and the Proposals for Legislative Control of Cities Extending Their Boundaries. *Texas Law Review.* December, 1960.

Vieg, John A. Economic Trends Affecting Cities. *Public Management.* December, 1960.

Intergovernmental Relations

Ainsworth, Kenneth G. A Comment on Professor Monypenny's Political Analysis of Federal Grants-in-Aid. *National Tax Journal.* September, 1960.

Bible, Alan. Uncle Sam's Metro Job. *National Civic Review.* December, 1960.

Bollens, John C. Urban Fringe Areas—A Persistent Problem. *Public Management.* October, 1960.

Federal Technical Assistance and Grant Programs of Interest to Local Governments. American Muncipal Association. 1960.

Gulick, Luther. Goals for Metropolis. *National Civic Review.* December, 1960.

Moore, Frank C. New York State's New Office for Local Government. *State Government.* Autumn, 1960.

Mushkin, Selma J. Barriers to a System of Federal Grants-in-Aid. *National Tax Journal.* September, 1960.

Pollock, James K. Chronic Overlapping. *National Civic Review.* December, 1960.

Schmandt, Henry J. The City and the Ring: The Two-Way Street of Metropolitan Reorganization. *American Behavioral Scientist.* November, 1960.

Scott, Stanley, ed. Metropolitan Area Problems. Bureau of Public Administration and University Extension, University of California, Berkeley. 1960.

Solomon, Michael B. Nonresident Personal Income Tax: A Comparative Study in Eight States. *Fordham Law Review.* October, 1960.

Studenski, Paul. Metropolitan Areas 1960. *National Civic Review.* October, 1960. II. *Ibid.* November, 1960.

A Symposium on State Taxation of Interstate Commerce. *Virginia Law Review.* October, 1960.

Zimmermann, Frederick L., and Richard H. Leach. The Commissions on Interstate Cooperation. *State Government.* Autumn, 1960.

Constitutional Law and Civil Liberties

Benign Quotas: A Plan for Integrated Private Housing. *Yale Law Journal.* November, 1960.

Comparative Constitutional Law. [Symposium.] *Ohio State Law Journal.* Autumn, 1960.

Douglas, William O. Vagrancy and Arrest on Suspicion. *Yale Law Journal.* November, 1960.

Fellman, David. Association with "Bad" People. *Journal of Politics.* November, 1960.

Halliburton, R., Jr. The Nation's First Anti-Darwin Law: Passage and Repeal. *Southwestern Social Science Quarterly.* September, 1960.

Kohn, Janet G. Social Psychological Data, Legislative Fact, and Constitutional Law. *George Washington Law Review.* October, 1960.

Kroner, Jack. Self Incrimination: The External Reach of the Privilege. *Columbia Law Review.* June, 1960.

Mendelson, Wallace. Mr. Justice Black and the Rule of Law. *Midwest Journal of Political Science.* August, 1960.

Miller, Arthur S , and Ronald F. Howell. The Myth of Neutrality in Constitutional Adjudication. *University of Chicago Law Review.* Summer, 1960.

O'Brien, William, S J. Religion and the State Governments. *University of Detroit Law Journal.* October, 1960.

Purver, Jonathan Matthew. The Supreme Court and the Federal-State "No Man's Land." *Labor Law Journal.* November, 1960.

Ratner, Leonard G. Congressional Power over the Appellate Jurisdiction of the Supreme Court. *University of Pennsylvania Law Review.* December, 1960.

Silverstein, Merle L. Federal Grand Jury Testimony and the Fifth Amendment. *Washington University Law Quarterly.* June, 1960.

Smith, Judith A. The Reporter's Right to Shield His "Reliable" Source. *Intramural Law Review,* New York University. November, 1960.

The Supreme Court, 1959 Term *Harvard Law Review.* November, 1960.

Ulmer, S. Sidney. The Analysis of Behavior Patterns on the United States Supreme Court. *Journal of Politics.* November, 1960.

The United States Supreme Court: A Historical Symposium. *Nebraska Law Review.* December, 1960.

The Void-for-Vagueness Doctrine in the Supreme Court. *University of Pennsylvania Law Review.* November, 1960.

Judicial Administration and Law Enforcement

Alexander, Paul W. Constitutional Rights in Juvenile Court. *American Bar Association Journal.* November, 1960.

Blume, William Wirt. Chancery Practice on the American Frontier. *Michigan Law Review.* November, 1960.

Boner, Marian O., and Robert W. Stayton. The Plastic Code in Operation IV: Coordination in Government: A Legislative Responsibility. *Texas Law Review.* November, 1960. V: Supplementation and Conclusion. *Ibid.* December, 1960.

Brandt, John J., Ernest V. Klein, and Jerome F. Waterman. Section 1503 [on Obstruction] and the Administration of Justice—Interpretations and Implications. *Georgetown Law Journal.* Fall, 1960.

Broeder, Dale W. Silence and Perjury before Police Officers: An Examination of the Criminal Law Risks. *Nebraska Law Review.* December, 1960.

Criminal Law. [Symposium.] *Texas Law Review.* October, 1960.

Danforth, Frederick W., Jr. Another Feldman —Another Day: The Use in Federal Criminal Proceedings of Testimony Compelled by a State Immunity Statute—A Fair Solution. *George Washington Law Review.* October, 1960.

Kessler, Robert A. Corporations and the New Federal Diversity Statute: A Denial of Justice. *Washington University Law Quarterly.* June, 1960.

Kramer, Robert, and Nathan Siegel. The Attorney General of England and the Attorney General of the United States. *Duke Law Journal.* Fall, 1960.

Lang, Theodore H. Role of Central Personnel Agency in Police Personnel Problems. *Journal of Criminal Law, Criminology and Police Science.* November–December, 1960.

Levy, Beryl Harold. Realist Jurisprudence and Prospective Overruling. *University of Pennsylvania Law Review.* November, 1960.

Lyman, Charles M. Courts, Communications and Canon 35. *American Bar Association Journal.* December, 1960.

Mayers, Daniel K., and Fletcher L. Yarbrough. *Bis Vexari:* New Trials and Successive Prosecutions. *Harvard Law Review.* November, 1960.

Moore, James William, and William VanDercreek. Federal Removal Jurisdiction—Civil Action Brought in a State Court. *Southwestern Law Journal.* Summer, 1960.

Orfield, Lester B. Pleadings and Motions before Trial in Federal Criminal Procedure. *Fordham Law Review.* October, 1969.

Phillips, Orie L., and A. Sherman Christenson. The Historical and Legal Background of the Diversity Jurisdiction. *American Bar Association Journal.* September, 1960.

Quinn, William F. Judicial Administration and Selection—Old Problems in Our Newest State. *Journal of the American Judicature Society.* October, 1960.

Schulman, Sidney. Reducing Congestion in Trial Courts. *American Bar Association Journal.* September, 1960.

Sherry, Arthur H. Vagrants, Rogues and Vagabonds—Old Concepts in Need of Revision. *California Law Review.* October, 1960.

Silverstein, Lee. West Virginia Adopts New Procedure Modelled on the Federal Rules. *Journal of the American Judicature Society.* October, 1960.

The Standard Family Court Act Appraised. *Indiana Law Journal.* Summer, 1960.

Trowbridge, Calvin D., Jr. The Prevention of Juvenile Delinquency: State Statutes and Programs. *Chicago-Kent Law Review.* April, 1960.

Young, Don J., Jr. The Constitution and the Juvenile Court—Letter or Spirit? *Journal of the American Judicature Society.* October, 1960.

Public Administration and Administrative Law

Blum, Walter J. The Interstate Commerce Commission as Lawmaker: The Development of Standards for Modification of Railroad Securities. *University of Chicago Law Review.* Summer, 1960.

Boyer, William W. Policy Making by Government Agencies. *Midwest Journal of Political Science.* August, 1960.

Breckner, Norman V. The Search for an Appropriations Basis. *National Tax Journal.* September, 1960.

Capital Improvement Programs. Bureau of Governmental Research and Services, University of Washington. 1960.

Caruso, Lawrence R. The Federal Boards of Contract Appeals. *Southern California Law Review.* Summer, 1960.

Davis, Frederick. Administrative Agencies and the Power to Decide. *South Dakota Law Review.* Spring, 1960.

de Grazia, Alfred. The Science and Values of Administration—I. *Administrative Science Quarterly.* December, 1960.

Fowler, Dorothy Ganfield. Precursors of the Hatch Act. *Mississippi Valley Historical Review.* September, 1960.

Golembiewski, Robert T. O & M and the Small Group. *Public Administration Review.* Autumn, 1960.

Handler, Joel F., and William A. Klein. The Defense of Privilege in Defamation Suits against Government Executive Officials. *Harvard Law Review.* November, 1960.

Kammerer, Gladys M. Opportunities Missed: The "Little Hoover Commission" Reports. *Public Personnel Review.* October, 1960.

Ledakis, Gust A., and Reed L. Moss. Federal Real Property Management: Legislative and Administrative Framework for Excess and Surplus—

Review and Reform. *George Washington Law Review.* October, 1960.

Parkinson, C. Northcote. Parkinson's Laws. *South Dakota Law Review.* Spring, 1960.

Schten, Edward. Professional Licensing in Kentucky. Bureau of Government Research, University of Kentucky. 1960.

Smith, Lincoln. Should Regulatory Commissioners Come from Staff Personnel? *Public Utilities Fortnightly.* December 8, 1960.

The Transition of Administration. [Symposium.] *Public Administration Review.* Autumn, 1960.

Wileden, Paul H. Earmarking [Revenues]: Good or Bad? *State Government.* Autumn, 1960.

Political Parties, Elections, and Public Opinion

Abrams, Richard M. A Paradox of Progressivism: Massachusetts on the Eve of Insurgency. *Political Science Quarterly.* September, 1960.

Appeals to the Electorate by Private Businesses: Injury to Competitors and the Right to Petition. *Yale Law Journal.* November, 1960.

Bellush, Jewel. School for Politicians. *National Civic Review.* October, 1960.

Bonfield, Arthur Earl. The Right to Vote and Judicial Enforcement of Section Two of the Fourteenth Amendment. *Cornell Law Quarterly.* Fall, 1960.

Buchanan, Scott, et al. Tragedy and the New Politics. Center for the Study of Democratic Institutions, Santa Barbara, Calif. 1960.

Burdette, Franklin L. Major Campaign Issues, 1960. *Social Education.* October, 1960.

Butler, David. The Paradox of Party Difference. *American Behavioral Scientist.* November, 1960.

Campbell, Angus. Surge and Decline: A Study of Electoral Change. *Public Opinion Quarterly.* Fall, 1960.

Carter, Roy E., Jr. Communications Research and the Social Sciences. *American Behavioral Scientist.* December, 1960.

Crane, Wilder, Jr. A Caveat on Roll-Call Studies of Party Voting. *Midwest Journal of Political Science.* August, 1960.

Davis, David Brion. Some Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and Anti-Mormon Literature. *Mississippi Valley Historical Review.* September, 1960.

Ebel, Roland H. The Political Professionals: Summary of a Study of the Permanent Staff of Political Parties in the United States. Bureau of Social and Political Research, Michigan State University. 1960.

Ebersole, Luke. Religion and Politics. *The Annals.* November, 1960.

Flinn, Thomas A. The Outline of Ohio Politics. *Western Political Quarterly.* September, 1960.

Gargan, Edward T. John A. Logan and the Election of 1864 in Illinois. *Mid-America.* October, 1960.

Glaser, William A. Doctors and Politics. *American Journal of Sociology.* November, 1960.

A Guide to the Issues and Contests of the 1960 Federal Elections. *Congressional Digest.* October, 1960.

How an Election [in Kentucky] Was Bought and Sold. *Harper's Magazine.* October, 1960.

Hyman, Herbert H. Reflections on Reference Groups. *Public Opinion Quarterly.* Fall, 1960.

Jellison, Charles A. The Ross Impeachment Vote: A Need for Reappraisal. *Southwestern Social Science Quarterly.* September, 1960.

Jewell, Malcolm E. Party and Primary Competition in Kentucky State Legislative Races. *Kentucky Law Journal.* Summer, 1960.

Ketcham, Ralph L. James Madison and T. V. Smith: A Study in the Politics of Privacy. *Antioch Review.* Fall, 1960.

Koenig, Louis W. The Election [1876] That Got Away. *American Heritage.* October, 1960.

Lasswell, Harold D. Technique of Decision Seminars. *Midwest Journal of Political Science.* August, 1960.

Lipset, Seymour Martin. Some Statistics on Bigotry in Voting. *Commentary.* October, 1960.

Mayo, H. B. On Politics and Politicians. Bureau of Public Administration, University of South Carolina. 1960.

McCoy, Donald R. Alfred M. Landon and the Presidential Campaign of 1936. *Mid-America.* October, 1960.

Meyers, W. Cameron. The Chicago Newspaper Hoax in the '36 Election Campaign. *Journalism Quarterly.* Summer, 1960.

New Jersey Congressional Districts: A Plan for the 'Sixties. Bureau of Government Research, Rutgers University. 1960.

Nixon, Charles R. The Coming Electorate: 1965–1970. *Western Political Quarterly.* September, 1960.

Pettigrew, Thomas F., and Ernest Q. Campbell. Faubus and Segregation: An Analysis of Arkansas Voting *Public Opinion Quarterly.* Fall, 1960.

Polsby, Nelson W. Decision-Making at the National Conventions. *Western Political Quarterly.* September, 1960.

———. Power in Middletown: Fact and Value in Community Research. *Canadian Journal of Economics and Political Science.* November, 1960.

Presidential campaign 1960: A Symposium. Part I. *Quarterly Journal of Speech.* October, 1960.

Rossi, Peter H. Power and Community Structure. *Midwest Journal of Political Science.* November, 1960.

Sherman, Richard B. Charles Sumner Bird and the Progressive Party in Massachusetts. *New England Quarterly.* September, 1960.

Vieg, John A. A New Design for California Politics. *Western Political Quarterly.* September, 1960.

Weaver, Robert C. The NAACP Today. *Journal of Negro Education.* Fall, 1960.

Wilson, James Q. Two Negro Politicians: An Interpretation. *Midwest Journal of Political Science.* November, 1960.

Wolfinger, Raymond E. Reputation and Reality in the Study of "Community Power." *American Sociological Review.* October, 1960.

Economic and Social Functions

National Economy

Bowen, William G., Richard G. Davis, and David H. Kopf. The Public Debt: A Burden on Future Generations? *American Economic Review.* September, 1960.

Carver, Thomas Nixon. A Conservative's Ideas on Economic Reform. *Quarterly Journal of Economics.* November, 1960.

Garwood, John D. Basic Changes in the Tax Structure. *American Bar Association Journal.* December, 1960.

Hill, Forest G. Formative Relations of American Enterprise, Government and Science. *Political Science Quarterly.* September, 1960.

Wilkerson, Marvin. The Revised City Sample for the Consumer Price Index. *Monthly Labor Review.* October, 1960.

Natural Resources

Clark, Robert Emmet. The Pueblo Rights Doctrine in New Mexico. *New Mexico Historical Review.* October, 1960.

Federal-State Conflicts over the Control of Western Waters. *Columbia Law Review.* November, 1960.

Illinois Drainage Law. [Symposium.] *University of Illinois Law Forum.* Summer, 1960.

Sargent, Frederic O. The Prospects of the U. S. Water Study Commission for Texas. *Southwestern Social Science Quarterly.* September, 1960.

Sondheim, Harry B., and John R. Alexander. Federal Indian Water Rights: A Retrogression to Quasi-Riparianism? *Southern California Law Review.* Fall, 1960.

Sullivant, Charles A. The Kansas Watershed District. Governmental Research Center, University of Kansas. 1960.

Thompson, John T. Public Administration of Water Resources in Texas. Institute of Public Affairs, University of Texas. 1960.

Van Alstyne, William W. International Law and Interstate River Disputes. *California Law Review.* October, 1960.

Agriculture

Case, H. C. M. Farm Debt Adjustment during the Early 1930's. *Agricultural History.* October, 1960.

Ellsworth, Clayton S. Theodore Roosevelt's Country Life Commission. *Ibid.*

Family Farm Corporations. [Symposium.] *Wisconsin Law Review* July, 1960.

Hardin, Charles M., ed. Agricultural Policy, Politics, and the Public Interest. [Symposium.] *The Annals.* September, 1960.

Mangum, Charles S., Jr. Milk Control Laws in the United States. *North Carolina Law Review.* June, 1960.

Venkataramani, M. S. Norman Thomas, Arkansas Sharecroppers, and the Roosevelt Agricultural Policies, 1933–1937. *Mississippi Valley Historical Review.* September, 1960.

Business and Labor

Arnold, Thurman. The Law to Make Free Enterprise Free. *American Heritage.* October, 1960.

Cohen, Leonard E. The Maryland Law of Strikes, Boycotts, and Picketing. *Maryland Law Review.* Summer, 1960.

Consumer Credit Symposium: Developments in the Law. *Northwestern University Law Review.* July–August, 1960.

Davis, Albert S., Jr. Patent Arbitration. *Arbitration Journal.* Vol. 15, No. 3. 1960.

Dooley, Mary L. Antitrust Legislation and Labor Unions. *Labor Law Review.* October, 1960.

Dugan, Frank J. To Bond or Not to Bond—Section 502 of the Landrum-Griffin Act. *Georgetown Law Journal.* Fall, 1960.

Extraterritorial Application of the Antitrust Laws: A Conflict of Laws Approach. *Yale Law Journal.* December, 1960.

Fastiff, Wesley J., and E. Terry Durant. New Rules for Determining Bargaining Units in the Hotel Industry. *Labor Law Journal.* November, 1960.

Givens, Richard A. Dealing with National Emergency Labor Disputes. *Temple Law Quarterly.* Fall, 1960.

———. Refusal of Radio and Television Licenses on Economic Grounds. *Virginia Law Review.* November, 1960.

———. Section 301, Arbitration and the No-Strike Clause. *Labor Law Journal.* November, 1960.

Grob, Gerold N. Origins of the Political Philosophy of the A. F. of L., 1886–1896. *Review of Politics.* October, 1960.

Guthmann, Harry G. Tax Favoritism to Cooperatives. *Harvard Business Review.* November–December, 1960.

Haight, James T. The Restrictive Business

Practices Clause in United States Treaties: An Antitrust Tranquilizer for International Trade. *Yale Law Journal.* December, 1960.

Hardy, Russell, Sr. The Evisceration of Section 5 of the Clayton Act. *Georgetown Law Journal.* Fall, 1960.

Hays, Paul R. The Supreme Court and Labor Law: October Term, 1959. *Columbia Law Review.* November, 1960.

Jones, Edgar A., Jr. Arbitration and the Dilemma of Possible Error. *Labor Law Journal.* November, 1960.

Knowlton, Donald. Present Status of the Investigation of the Business of and the Regulation of Insurance by the Antitrust Subcommittee of the United States Senate. *Insurance Law Journal.* October, 1960.

Labor Arbitration in the Federal Courts. *Arbitration Journal.* Vol. 15, No. 3. 1960.

Labor Union Power and the Public Interest [Symposium.] *Notre Dame Lawyer.* Vol. XXXV, No. 5. 1960.

Mann, Seymour Z. Policy Formulation in the Executive Branch: The Taft-Hartley Experience. *Western Political Quarterly.* September, 1960.

Monitors: A New Equitable Remedy? *Yale Law Journal.* November, 1960.

Nash, Gerald D. Bureaucracy and Economic Reform: The Experience of California, 1899–1911. *Western Political Quarterly.* September, 1960.

Nelson, Wallace B. Management Prerogatives and the Work-Rules Controversy. *Labor Law Journal.* November, 1960.

Pierce, Dixwell L. State Taxes Not Business Barriers. *National Tax Journal.* September, 1960.

Priest, A. J. G. Major Public Utility Decisions in Perspective. *Virginia Law Review.* November, 1960.

The Reform of Real Property Law—A Symposium. *New York University Law Review.* November, 1960.

Schwartz, Louis B. New Approaches to the Control of Oligopoly. *University of Pennsylvania Law Review.* November, 1960.

Steigerwalt, A. K. The NAM and the Congressional Investigations of 1913. *Business History Review.* Autumn, 1960.

Summers, Clyde W. Individual Rights in Collective Agreements: A Preliminary Analysis. *Buffalo Law Review* Winter, 1960.

———. The Law of Union Discipline: What the Courts Do in Fact. *Yale Law Journal.* December, 1960.

A Symposium in Two Parts on Bankruptcy: Current Problems of Administration. I. *Rutgers Law Review.* Spring, 1960. II. *Ibid.* Summer, 1960.

Tait, Edward T. Recent American Antitrust Experience. *University of Pittsburgh Law Review.* October, 1960.

Troy, Leo. Local Independent and National Unions: Competitive Labor Organizations. *Journal of Political Economy.* October, 1960.

Winter, Ralph K., Jr. Labor Injunctions and Judge-Made Labor Law: The Contemporary Role of Norris-LaGuardia. *Yale Law Journal.* November, 1960.

Wurzel, Harold. Tax-Exempt Interest of Life Insurance Companies, a Study in "Discriminatory" Taxation. *Ibid.*

Health, Education, and Welfare

Andrews, Elton R., and William F. Lipman. Open Space for Recreation. *State Government.* Autumn, 1960.

Balk, Alfred. 'Progress' and Parks. *National Civic Review.* October, 1960.

Blau, Peter M. Orientation toward Clients in a Public Welfare Agency. *Administrative Science Quarterly.* December, 1960.

Chase, Edward T. The Politics of Medicine. *Harper's Magazine.* October, 1960.

Community and Other Noninstitutional Mental Health Programs. Illinois Legislative Council. 1960.

Connecticut's Birth Control Law: Reviewing a State Statute under the Fourteenth Amendment. *Yale Law Journal.* December, 1960.

Duval, Addison M. Public Mental Health: A Look Backward and Forward as a Decade Passes. *State Government.* Autumn, 1960.

Goldstein, Joseph, and Jay Katz. Dangerousness and Mental Illness: Some Observations on the Decision to Release Persons Acquitted by Reason of Insanity. *Yale Law Journal.* December, 1960.

James, H. Thomas. School Aid Apportionment: State Action Needed on the Property Tax. *State Government.* Autumn, 1960.

Ligon, Roddey M., Jr. Distribution of Federally Donated Surplus Foods to Needy Families. *Popular Government.* October, 1960.

Little, J. Kenneth. Federal Programs in a State University. *Higher Education.* October, 1960.

Our Developing Social Security System: The First Twenty-five Years. *Industrial and Labor Relations Review.* October, 1960.

Peterson, Ray M. Social Security Challenges. *Journal of the American Society of Chartered Life Underwriters.* Fall, 1960.

The Proposed Federal Youth Conservation Corps. [Symposium.] *Congressional Digest.* December, 1960.

Public Assistance: A Survey of Selected Aspects of State Programs. Tax Foundation, Inc. 1960.

Smith, Ralph Lee. The South's Pupil Placement Laws. *Commentary.* October, 1960.

Stoloff, E. David. The Race for Open Space. *Public Management.* November, 1960.

Van Sickle, John V. The Financing and Administration of Education. *Southern Economic Journal.* October, 1960.

Vickrey, William. Utility, Strategy, and Social Decision Rules. *Quarterly Journal of Economics.* November, 1960.

Military Affairs and National Security

Breckner, Norman V. Government Efficiency and the Military "Buyer-Seller" Device. *Journal of Political Economy.* October, 1960.

Browning, Rufus C. Seven Research Problems in Army Personnel Management. *Public Personnel Review.* October, 1960.

Federal Aid for Civil Defense Personnel and Administrative Expenses. *County Officer.* December, 1960.

Gordon, Bernard K. "The Top of Policy Hill" [National Security Council]. *Bulletin of the Atomic Scientists.* September, 1960.

Renshaw, Edward F. The Economics of Conscription. *Southern Economic Journal.* October, 1960.

Teller, Edward. Perilous Illusion: Secrecy Means Security. *New York Times Magazine.* Nov. 13, 1960.

Wiener, Frederick Bernays. The Army's Field Judiciary System. *American Bar Association Journal.* November, 1960.

Government Documents

Congress

House. Committee on Armed Services. Development and Procurement of New Combat and Tactical Vehicles by the Department of the Army. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Committee on Government Operations. Sale and Transmission of Power (Bureau of Reclamation, Central Valley Project, California). Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Committee on House Administration. Federal Elections Act of 1960. Hearing before Subcommittee 86th Cong., 2nd Sess. 1960.

——— ———. In-Hand Delivery of Post Card Applications for Registration and Absentee Voting under the Federal Voting Assistance Act. Hearing before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Committee on Interstate and Foreign Commerce. Ex Parte Communications and Other Problems (Federal Power Commission). Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Committee on Merchant Marine and Fisheries. Fish and Wildlife Legislation. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

——— ———. Merchant Marine Legislation. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

——— ———. Report on a Long-Range Program for Isthmian Canal Transits. House Report No. 1960. 86th Cong., 2nd Sess. 1960.

———. Committee on Post Office and Civil Service. Congressional Apportionment—Role of the Bureau of the Census. House Report No. 2223. 86th Cong., 2nd Sess. 1960.

——— ———. Maintaining the Integrity of the Career Civil Service. House Report No. 2224. 86th Cong., 2nd Sess. 1960.

———. Committee on Public Works. Small Watershed Program. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Committee on Un-American Activities. The Communist-Led Riots against the House Committee on Un-American Activities in San Francisco, Calif., May 12–14, 1960. House Report No. 2228. 86th Cong., 2nd Sess. 1960.

——— ———. Communist Penetration of Radio Facilities. Hearings. 86th Cong., 2nd Sess. 1960.

———. United States Defense Policies in 1959. House Doc. No. 432. 86th Cong., 2nd Sess. 1960.

House and Senate. Joint Committee on Atomic Energy. Radiation Protection Criteria and Standards: Their Basis and Use. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Joint Economic Committee. Economic Aspects of Military Procurement and Supply. Joint Committee Print. 86th Cong., 2nd Sess. 1960.

——— ———. Economic Policies for Agriculture in the 1960's. Joint Committee Print. 86th Cong., 2nd Sess. 1960.

——— ———. Energy Resources and Government. Joint Committee Print. 86th Cong., 2nd Sess. 1960.

Senate. Committee on Government Operations. Organizing for National Security: Super-Cabinet Officers and Superstaffs. Study. Committee Print. 86th Cong., 2nd Sess. 1960.

———. Committee on Interstate and Foreign Commerce. Extension of Dual Rate Contract Agreements. Hearing before Subcommittee. 86th Cong., 2nd Sess. 1960.

——— ———. Government Guaranty of Loans to Certain Air Carriers. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

——— ———. Motor Vehicle Safety. Hearing before Subcommittee. 86th Cong., 2nd Sess. 1960.

——— ———. Proposed Amendments to the Federal Aviation Act of 1958. Hearings before Subcommittee. 86th Cong., 2nd Sess. 1960.

———. Legislative Record: Digest of Achievements and Status of Presidential Recommendations. Statement by Lyndon B. Johnson. Senate Doc. No. 127. 86th Cong., 2nd Sess. 1960.

———. The Republican Record (1953–1960). Senate Doc. No. 128. 86th Cong., 2nd Sess. 1960.

———. Select Committee on National Water Resources. Water Resources Activities in the United States: Floods and Flood Control. Committee Print. 86th Cong., 2nd Sess. 1960.

———. Strengthening the Government for Arms Control. Senate Doc. No. 123. 86th Cong., 2nd Sess. 1960.

Other Federal

Department of Commerce. Bureau of the Census. Governments Division. Governmental Finances in 1959. 1960.

Department of Labor. Labor Statistics Bureau. Guide to Area Employment Statistics, Employment, Hours and Earnings, Area Definitions.. 1960.

——— ———. Guide to State Employment Statistics, Employment, Hours and Earnings. 1960.

FOREIGN AND COMPARATIVE GOVERNMENT

The De Gaulle Republic: Quest For Unity. By Roy C. Macridis and Bernard E. Brown. (Homewood, Illinois: The Dorsey Press, Inc. 1960. Pp. 400. $5.00.)

Die V. Republik. By Dr. Gilbert Ziebura. (Germany: Westdeutscher Verlag, Köln und Opladen, 1960. Pp. 333.)

After the initial morbid glee of political scientists on seeing the cadaver of yet another French republic laid out for dissection in mid-1958, attention has now shifted to its feverish offspring. This interest has taken tangible and constructive form in recent months with the appearance of several important studies of the new regime. The Macridis-Brown effort is a distinguished addition to the list. It is well written, manifests the authors' impressive knowledge and use of the relevant research materials, is factually accurate, and presents sound, sensible interpretations in a scholarly and balanced manner. The authors' demonstration of their deep and perceptive understanding of French politics can only embellish their reputations. The publisher also deserves plaudits for the typographical excellence of its first venture.

The goal set by Professors Macridis and Brown was "to trace the origins of the new regime, subject to critical analysis its institutions and ideology, and show how the traditional political forces and divisions of Republican France continue to assert themselves." In the short introductory chapter they note the disunity and lack of consensus in the French body politic, the ideological bent of the parties, their consequent alienation from the people, and the persistent significance of historical controversies. They argue that each regime in the past "has represented the triumph of temporarily dominant elements within the political culture," and that de Gaulle's new constitution is an attempt "to provide legitimacy in the name of national unity, to reconcile the 'legal France' with the 'real France,' " and "to create a genuine synthesis of the political traditions in France." The early chapter on the Fourth Republic is an able summary of that regime's brief career. One of the many strong points in the book is the skillful weaving of material from a wide variety of sources into an exceedingly readable and generally accurate account of the complicated crisis of 1958 in the following chapters. The separate analysis of the political role of the army is extremely well done.

The second part of the study begins by tracing the French constitutional debate since the Liberation and the reform efforts during the Fourth Republic. The intellectual and procedural genesis of the new constitution is described and is followed by an extremely dull exegesis of the document. The authors' decision to perform this textual analysis separately from their description of the institutions in action is the more regrettable in that the document means only what de Gaulle wants it to mean and any objective interpretations, regardless of their semantic accuracy, that do not include this vital factor are sterile. For instance, it is quite pointless to discuss the constitutional prerogatives of the prime minister without adding at once that Debré is no more than a high-ranking *commis* for de Gaulle. A chapter on the constitutional evolution of the French colonial possessions is followed by excellent accounts of the referendum and legislative elections of 1958. The data presented on the election results, in particular, are very useful and the analysis of the operation of the electoral system is both lucid and convincing.

The third part of the book treats the regime in action. The descriptions of the governmental institutions are good, although again, in my opinion, they place too little emphasis on the compelling factor of de Gaulle's domination in explaining the eccentricities of the machine in motion. The chapter on the new political forces covers somewhat the same ground as the chapters on the referendum and the elections.

The final chapter reviews the substantive accomplishments of the de Gaulle regime, painting a rather dim picture and concluding that the "system does not provide for any institutions to decipher the Delphic quality of De Gaulle's utterances" and that "the French are in a state of tutelage." A short epilogue footnotes the January 1960 crisis in Algiers and a series of appendices contains useful documentary material including the text of the constitution; de Gaulle's most important speeches and press conferences since 1958; data on the Algerian war, National Assembly votes, and the composition of the cabinet; and a detailed chronology.

The authors achieve their expressed goals quite adequately, but to this reviewer their method of supporting their thesis is disappointing. In the opening paragraph they describe the new regime as attempting to create a unity based on "the national reality of France and its incarnation in the person of Charles de Gaulle." This suggests the desirability of a more systematic and detailed examination of those two dominant factors than the authors undertake. De Gaulle is certainly not left out of the picture, but the reader is not made to feel his pervasive influence contesting with the "reality" of continuing French political habits. There is a tendency to emphasize the inert creature or the mechanism rather than its creator and animator. There is more "Republic" than "de Gaulle" and the quest is often lost from sight.

The Ziebura volume is a convenient, annotated collection of excerpts from about 125 important documents pertaining to the new French regime. They include books by Gaullists and others, commentaries, organic laws, decrees, speeches, election statistics, data on the composition of the various governmental organs, newspaper articles, party policy statements, etc. A 14-page annotated bibliography is appended.—William G. Andrews, *Dartmouth College.*

Turkey's Politics: The Transition to a Multi-Party System. By Kemal H. Karpat. (Princeton, New Jersey: Princeton University Press. 1959. Pp. xiii, 522. $7.50.)

Toward the beginning of the nineteenth century Turkey led the drive, now universal throughout Asia and Africa, toward Westernization of culture, society, and state. Later, under the leadership of Kemal Atatürk, a vigorous nationalist Republic replaced the decaying Ottoman Empire—and, in sharp contast to her Balkan and Near Eastern neighbors, Turkey enjoyed a period of peace and independence, and of 37 years of stable civilian and constitutional government. Upon Atatürk's death in 1938, his comrade-in-arms Ismet Inönü accomplished the rare feat of orderly succession within a party dictatorship. And after the Second World War Turkey embarked upon an even more unusual venture—the voluntary changeover from a one-party to a multi-party régime.

All these features constitute so many urgent claims to the political scientist's attention, yet a comprehensive and analytical study of Turkey's unique political development still remains to be written. Among works of scholarly standing, D. E. Webster's study of the early Republic's cultural reforms (*The Turkey of Atatürk*, 1939) and T. Z. Tunaya's compilation on the development of political parties over the last century (*Türkiye'de siyasî Partiler*, 1952) are the only ones devoted specifically to the politics of the Turkish Republic. Professor Karpat—a native of Romania's Turkish-speaking Dobrudja area, trained in the law in Istanbul and in political science in New York, and currently a research associate at the Harvard Center for Middle Eastern Studies—has filled a substantial part of the remaining gap and thus deserves the gratitude both of the area specialist and of the student of comparative government.

The core of Dr. Karpat's work (Part II) is a lucid and coherent account of the intricate political maneuvering, organizational activity, and ideological discussion of the period from 1946 to 1950—when Inönü's Republican People's Party first permitted, and at times even encouraged, the formation of opposition groups and at length surrendered power in a free, honest, and orderly election to the Democrats under Bayar and Menderes. The narrative is based on a thorough examination of the vast primary source material available—chiefly the rapidly proliferating daily press, the parliamentary debates, and political periodicals and pamphlets. Even more valuable for the student of comparative politics is Part III, in which the author examines the effect that the transition from dictatorship toward democracy has had on political ideology and behavior in the last decade.

These two parts are preceded by a lengthy historical introduction (pp. 3–133) which places later political events squarely into the proper context of the cultural transformation that goes back at least to the end of the eighteenth century and, by the time of Atatürk, assumed the speed and scope of a revolution. This part of the narrative is based on secondary sources and presents a blend of the conventional view of recent Turkish history, as laid down in the official Republican historiography of the 1930's, with an interpretation of politics in terms of economic forces and social structure. One wonders whether the author needed to cram this long historical part with quite as much factual detail and, having done so, could not have avoided some of the more annoying inaccuracies. For example, the first Constitutional period ended in 1877, not 1908; Sait Pasha was not among the Union and Progress's "own members"; *mukaddesat* does not mean "sanctuaries"; the last Sultan was called Mehmed VI, not V; the laws regarding titles and surnames were passed in 1934, not 1935 (the latter was not a "family law"); and that of 1938 did fall far short of "dissolving" "political parties" or prohibiting "associations based on common interest"—(pp. 13, 16, 38, 40, 52, 74). In the absence, moreover, of prior detailed or scholarly study, by Karpat or others, of Turkey's economic and social structure under the early Republic, his attempts to relate political developments to economic interest and social class seem at times premature and unconvincing. (For example, the existence of well-defined and articulate socio-economic interests seems to be taken for granted where, in this reviewer's opinion, it should have been empirically proved.)

Karpat deals only with the political developments of the 1950's—including the gradual deterioration under the Menderes government of the atmosphere of political freedom which had enabled it to come to power. The overthrow of that régime by the recent military coup occurred several months after the publication of the book. Nonetheless, both the leaders of the present military régime and those who will replace them in the near future will do well to study Dr. Karpat's analysis of Turkey's political problems and to ponder his concluding judgment: "The basic condition for the establishment of democracy, however, is the faith that it is the only form of government under which men can live in human dignity, and a willingness to strive to make it as inherent a part of life as air and food."—DANKWART A. RUSTOW, *Columbia University.*

Les partis libanais en 1959. BY LUCIEN GEORGE AND TOUFIC MOKDESSI. [Beirut] Editions "L'Orient—al-Jarida," n.d. (1959?). 86 pp. of French text+106 pp. of Arabic text. No price mentioned.

This is a factual essay on Lebanese political parties, based on a field study. The results have now been published in book form in French and Arabic simultaneously (the French text is slightly briefer)—another sign of the bilingual character manifest in the Lebanese intellectual scene.

Oddly enough little is told of the procedure evolved in this field study or of the data employed. One has to turn to an account of this project, rendered by Dr. Paolo Minganti in the excellent Italian monthly *Oriente Moderno* (vol. xxxix, 5, May 1959, pp. 327–337), in order to learn that such a field study was executed by two Lebanese journalists and published, at the end of the year 1958, in the Beirut dailies *L'Orient* (French) and *al-Jarida* (Arabic). None of this is mentioned in the book, but it appears that it is a reprint of the 1958 articles, with few, if any, changes. Consequently, a journalistic, rather than a scholarly, character is maintained from cover to cover.

The choice of the subject was fortunate, for parties do play an increasing part in Lebanon's political life, even if their role is still far from being really significant. Furthermore, there is as yet no thorough study of the Lebanese parties in book form, in any language, although Dr. Pierre Rondot, of Paris, has devoted, during the last fifteen years, a series of papers and a book to Lebanese political institutions. Therefore the preparation of the questionnaire circulated among the leaders of parties should have been given thoughtful consideration. A brief analysis leaves the impression that this questionnaire was too general in design as well as too all-embracing in scope. It was divided into three parts: 1. How do you see your party at the national level? What common ideology and what aims do you offer all Lebanese? 2. When and in what conditions was your party founded? How are new members recruited? What are your cadres? What are your methods and your resources? 3. If your activity has been limited to one religious community, how do you envisage co-operation with other parties? What agreements could you conclude with other political groups?

As was to be expected, some party leaders answered evasively certain queries (*e.g.*: "we shall gladly co-operate with other parties"). Nevertheless, the replies provide handy data for the political scientist, the Orientalist and the journalist. While most known parties do number, indeed, about 10,000 members, as asserted, one is surprised at the Phalanges claiming 50,000 card-bearing members and, even more so, at the National-Socialist Syrian Party claiming a membership of over 25,000. While the history of most parties and the main points of their platforms are already known, it is suggestive to read now the watering-down of an important criterion in differentiating between the political aspirations of the parties, namely in their attitude towards preserving an independent, sovereign Lebanon, as opposed to a federation, or even union, with other Arab States. Here party leaders maintain that, while drawing nearer to other Arab States, Lebanon's sovereignty should be safeguarded; or, conversely, that while Lebanon's special character ought to be maintained, a speedy linking of Lebanon's with other Arab States' interests should be fostered.

One of the apparent reasons for this toning-down of the party leaders' previous intransigence lies in the protracted struggle of the parties with the particularism of religious communities. A considerable part of Lebanese political life is still tied up with the interests of these various communities; a pre-defined number of seats is allotted, in the Lebanese Chamber, to each community. As voting is by constituencies, it is essential for every party to have as many adherents as possible from all communities. Hence, it appears, the stress laid by politicians as to their parties being open to members of all communities (the Najjadah with little truth, the Phalanges and the Socialist Progressive Party with more veracity).

These, I think, might have been some of the conclusions which ought to be drawn from this field-study. The two journalists, however, hardly favored us with their own evaluation, which could have certainly been most helpful, due to their association with Lebanese politics. Indeed, in their all too brief *Conclusion*, they did suspect (French text, p. 81) that some of the figures are exaggerated—as they are—but made no attempt at either verifying them and any of the facts or weighing any of the opinions gathered in this book. Nor do they give their own views regarding other characteristics of Lebanese parties, *e.g.*, whether they really are mass parties, as they all claim to be. These omissions reduce the book to the level of a collection of unchecked data only, useful though these assembled data may be.—JACOB M. LANDAU, *School of Economics and Social Sciences, Hebrew University, Jerusalem.*

Indonesianisasi: Politics in a Changing Economy' 1940–1955. BY JOHN O. SUTTER. (Mimeographed. Data Paper Number 36-II, Southeast Asia Program, Department of Far Eastern Studies, Cornell University, Ithaca, New York, April, 1959. 4 vols. Pp. xxii, 1312. $8.00.)

Among the problems left behind by the metropolitan powers in their former colonies is the adjustment of the economy to the newly won independence. The problem is twofold, at least: an economy formerly integrated with that of the metropolitan power must be developed and diversified so that it becomes viable as an independent national economy, and, in most cases, a new class of economic experts and managers must be created. Existing difficulties are usually aggravated by an impatient and non-rational nationalism insisting upon the solution of these problems in great haste and disdaining the help of experienced former colonials or foreigners altogether. Indonesia is a case of this unfortunate situation and Mr. Sutter's work may be considered of value beyond the Indonesian example.

The author devotes himself specifically and exclusively to the Indonesianization of the economy and does so with extraordinary devotion to detail. He begins with an analysis of the ownership and management of the colonial economy before World War II. The findings are that the Dutch were in control of most of the enterprises producing good profits. The Chinese came second, far behind. With few exceptions, the Indonesians were the laborers, small farmers, and insignificant local entrepreneurs. Demands could be heard for greater participation of Indonesians in the more important branches of the economy, but some satisfaction came only with the arrival of the Japanese during the war because they needed the Indonesian manpower. Once Indonesians had become more prominent in their economy, there was no turning back after the war, much as the Dutch might have wanted to. Indonesianization was, however, bedevilled by the chaos created by the Dutch-Indonesian war, the centrifugal forces stunning the growth of Indonesian nationhood, and the many different views on what Indonesianization policy should be. Yet, in spite of frequent changes in policies and practices and resulting setbacks, the overall trend was toward gradual replacement of the Dutch and other foreigners by Indonesians as owners, investors, and managers, and, almost inevitably, toward increasing state control. By 1955, the last year covered in this book, this trend was firmly established and partially consummated.

The author fulfilled his aim of describing Indonesianization exclusively very admirably. He has collected a truly staggering amount of facts so that he can follow developments in some cases day by day. All agencies involved in the process receive his due attention: the government, the politicians, the political parties, the civic leaders, the workers, the farmers, and the foreigners. Not satisfied with dealing merely with branches of the economy, the author often investigates specific firms and individuals representing these branches. Lest some readers might get lost among the trees, he is showing them the woods at the end of each chapter in the form of useful summaries.

The author's method is straight accounting, with an almost total absence of interpretation or evaluation, let alone generalization. Little is said about the quality or qualifications of those replacing the Dutch. With the author's intimate knowledge of the situation, it might have been enlightening to have his views on the frequently heard criticism that successive Indonesian governments were increasingly more concerned with politics than economics, and corrupted the last to serve the first. Since, also, a discussion of the substance of the Indonesian economy is beyond the author's self-imposed limit, the book does not tell if Indonesianization has been an economic success or failure. Judging by the present state of the economy, the verdict must be in the negative. —WERNER LEVI, *University of Hawaii.*

Government, Law and Courts in the Soviet Union and Eastern Europe. (2 Vols.) EDITED BY VLADIMIR GSOVSKI AND KAZIMIERZ GRZYBOW-

SKI. (New York: Frederick A. Praeger. 1960. Pp. xxxii, 920, xv, 921–2067. $30.00 both volumes.)

This is a monumental attempt to deal substantively with government, law and the courts in the Communist-controlled countries of Europe. The editors are to be congratulated on a difficult collaborative effort involving the services of more than two dozen contributors. Eleven nations are covered, if the three Baltic states are treated, as they are here, as separate countries. The others include the Soviet Union, Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Rumania and Yugoslavia. The work is divided into seven parts. Part One is a country-by-country survey of the nature of each regime, including its origin and subsequent evolution. The sections are sizeable and replete with pertinent details concerning the Communist consolidation of power. There is detailed and extensive documentation, indicating painstaking scholarship and a knowledge of the lands with which the authors deal.

Part Two is also a country-by-country survey of the courts, law, law-enforcement agencies (including the secret police), the organization and structure of the administration of justice (including the bar) and the Sovietization of law and legal procedure. Moreover, attention is given to military, economic and other special courts. Also, there is discussion of the Soviet concept of justice and the functioning of the courts. The authors lay bare Communist admissions that in their struggle to win and consolidate power, their concept of what was legal and illegal was determined solely by their judgment of whether it helped or hindered the "struggle for national liberation." By and large, there are careful and succinct accounts of the legal and judicial changes that took place. However, there is considerable disparity as to the extent (12 pages to Bulgaria and 50 pages to Poland) and quality of the coverage.

In Part Three, the authors deal with judicial procedure (criminal and civil) including a survey of legislation and such things as arrests, prosecution, defense, rules of evidence and appeals. Part Four is a country by country treatment of the "new substantive criminal law." This includes a discussion of the principles of Communist law, its sources, a definition of different categories of crimes (including economic, social and political offenses) and penalties. Part Five is a country-by-country discussion (with considerable uniformity of treatment) of the "Sovietization of civil law," and includes such things as ownership, contracts, domestic relations, inheritance and torts.

The two final sections deal, on a country-to-country basis, with the "worker and factory" and the "land and peasant." In the case of the former, while there is no particular uniformity of treatment, all authors are more or less concerned with the relations of government to the economic enterprises and the various techniques or processes (collective agreements, wage and salary schedules, worker discipline, trade unions) designed to keep the economic machinery in running order. In the case of land and the peasant, the authors discuss land tenure systems, Communist land policies, collectivization drives, the organization and operation of collective farms and the instruments of control utilized by the government.

In a work of this type some unevenness is inevitable. The country-by-country approach results in some unnecessary repetition. Each country specialist will no doubt find some errors of omission and commission. Taking these things into account, however, these volumes still constitute an excellent reference work. It is unfortunate that the volumes did not receive a more painstaking proof-reading effort. There is a good bibliography and an extensive index.—ALEX N. DRAGNICH, *Vanderbilt University.*

USSR: Its People, Its Society, Its Culture. BY THOMAS FITZSIMMONS, PETER MALOF, AND JOHN C. FISKE. (New Haven: HRAF Press, 1960. Pp. 590. $8.50.)

No statement on any facet of Soviet society can be considered scholarly unless its author is identified; for in so polemical a field, his training, his bias or lack of it, his dependability, are part of the record. This is a book without footnotes, usually also without citations in the text. Sometimes the only authority given is "the Soviet press," or "American economists who have recently visited the USSR," or a similarly imprecise source. A good deal of faith is demanded in the three authors, who certainly have no established reputations as sovietologists. I had never heard of them before, and they are not identified in the book.

The bibliography, which under these circumstances is of particular importance to the critic, lists many standard English-language works of high quality. It also includes others by Communist apologists and naive fellow-travelers, by journalists of some repute or none (down to an article in the *Saturday Evening Post* on "I Found Russia Changed"). There are listed a dozen "unpublished manuscripts not available for distribution," many of which were published later in a revised, presumably improved, public version. There is a marked paucity of works in Russian or by Communist leaders—no single book or article by Lenin, none by Stalin, Khrushchev represented by one piece in *Foreign Affairs.*

The ethnographic emphasis in the Human Relations Area Files, on which the book is mainly based, is reflected not only in an 80-page appendix on the peoples and languages of the USSR but also in sizable portions of the chapters on the family, on religion, and on art, literature, and science. Devoting a fifth of the text to minority peoples (including the 6,000 "Nanai, or Goldi," the 4,000 "Nivkh, or Gilyak," etc.) is like including every minor Indian tribe in a book on "American society." Unfortunately, the data are not even accurate and up to date. The breakdown by nationality according to the 1959 census was not published until February, 1960, presumably too late to be included; but other facts, which were available to the authors, were ignored. The discussion of anti-Semitism under Khrushchev, for instance, displays a considerable ignorance of a large literature. The bibliography cites articles commenting on the 1959 census by Eason and Kantner (not the original reports, nor even their translations in *Current Digest of the Soviet Press*), but there is no evidence in the text that these articles were looked at. The short section on females in the labor force, for example, is so poor in part because Eason's stimulating comments have not been assimilated into it.

A second emphasis in the Human Relations Area Files, derivative from the psychological school in anthropology, is also well represented in the bibliography and text—Nathan Leites on the show-trials of the 1930's (but not the trial records), Margaret Mead on the Soviet attitude toward authority, even Geoffrey Gorer's preposterous essay on the national character of the Great Russians. Two chapters, on "Values and Patterns of Living" and "Attitudes and Reactions of the People," are full of statements presumably derived from such sources: "the Russian rivers are particularly beloved by the people"; "individual Russians are eager for friendly contact with any foreigner who comes their way"; and so on.

This book was written, we are told, "to meet the needs for a comprehensive readable volume, bringing together all those aspects of a country and culture usually studied separately." There was no such need: any one of ten volumes does just this—by Dallin, by Gurian, by Bauer and Inkeles, by Fainsod, by McClosky and Turner. And if there had been such a need, this third-rate paste job would not have filled it.—William Petersen, *University of California, Berkeley.*

Imperialism and Social Reform. By Bernard Semmel. (Cambridge: Harvard University Press. 1960. Pp. 283. $4.50.)

In this volume an attempt is made to ascribe a social-imperialist or a liberal-imperialist label to the ideas of some British liberal, Fabian and labor leaders between the 1890's and the late 1910's. The author summarizes the thought of these men as well as the views of leaders within the conservative and tariff reform movements. He then makes implications about the relationships between each of these ideas and his criteria of imperialism. The result is at times a strained interpretation. The advocacy of reforms for the benefit of the worker, or for the building up of the nation without further external expansion or the establishment of a war-like nation, does not necessarily imply a social-imperialist belief.

Some of the errors sprinkled throughout the work are illustrated by the handling of the Fabians. That the Fabian Society favored the Boer War is not supported by Pease's *History of the Fabian Society*, nor by the Society's annual reports of 1900 and 1901. That some members in the Webbs' dinner group, known as the Coefficients, were imperialists, did not mean that all of the group were of this persuasion. Because the ideas expressed within the Fabian Society from its early years to the present have been many and diverse, it is difficult to ascribe accurately a particular label, such as collectivism or imperialism, to the group as Dr. Semmel has done. William Pember Reeves is mentioned as a member of the Fabian Society, yet in 1904 he was quoted by André Siegfried as saying that he was a socialist but refused to associate himself with any sort of socialistic organization (Reeves did, however, write some pamphlets for the Society.) In the latter part of the book the policies of the Labour Party and of the Fabians after 1918 are covered too quickly and sketchily to put them in proper perspective.

In this reviewer's opinion, Semmel's concluding thesis that 20th century social-imperialism succeeded, even distortedly, in uniting socialism, nationalism and democracy is worthy of consideration, but remains unproven. The best portions of the book lie in the descriptions of the views of Sir Oswald Moseley, the summary of explicit statements supporting some imperialist ideas of such people as Viscount Milner and Lord Roberts, and in the treatment of the types of imperialism arising from the protectionist and laissez-faire schools.—Josephine F. Milburn, *Simmons College.*

Trade Unions and The Labour Party Since 1945. By Martin Harrison. (Detroit: Wayne State University Press, 1960. Pp. 360. $4.95.)

In the competent manner of previous political studies from Nuffield College, Martin Harrison describes and explains the complexities of the trade union connection with the British Labour party. The book should be as standard a reference on its particular subject as McKenzie's *British Political Parties* is in its larger area. To cite a few examples from Harrison's carefully assembled data, there are detailed tabulations of the proportion of union members paying the political levy, of union contributions to each level of party organization, of votes by major unions at party conferences, and of parliamentary candidates sponsored by particular unions. Especially useful is Harrison's attempt, against the formidable obstacles of incomplete and confusing records, to estimate union contributions to local Labour parties.

Another kind of service performed by this book is to make clear that Labour's conflict between Left and Right, between Bevanites and anti-Bevanites, has not been simply a conflict between constituency parties and trade unions. Some of the latter did not regularly support moderate party leaders, and many constituency parties refused to vote for Bevanite resolutions. Yet, while thus realistically disabusing us of the too-ready identification of forces, Harrison does grant the familiar point that parliamentary party leaders require the support of several large unions in order to maintain a conference majority for moderate policies. Without this support, or even without the support of the single largest union, party leaders can be in trouble, as was Hugh Gaitskell in 1960.

Harrison's judgments of the political role of British unions are as interesting as his significant factual reporting. These judgments seem to be made in the context of what is good for the Labour party, the health of which just now concerns many Englishmen outside partisan ranks. There is implied criticism of unions for their unwillingness to make greater sacrifices for the party, and regret that the unions, despite a probable decline in participation, will remain predominant in influencing Labour policies and in shaping the public's image of the party. The possibility then occurring to the reader is that trade union integration in the Labour party, until now considered an advantage relative to the situation of social democratic movements elsewhere, might become a political disadvantage in an increasingly affluent and middle-class society. Comparative analysis suggested by this possibility is not Harrison's concern, but he has provided abundant and clearly focussed British material for such an analysis.—LEON D. EPSTEIN, *University of Wisconsin.*

Lois Électorales et Inégalités de Représentation en France. BY J. M. COTTERET, E. EMERI AND P. LALUMIÉRE. WITH INTRODUCTION BY MAURICE DUVERGER. (Paris: Armand Colin, 1960. Pp. xxxi, 410.)

This book analyzes the ways in which various electoral systems used in France since 1875 have produced inequalities of representation. The authors' model of a completely equalitarian electoral system seems to be integral proportional representation, under which each elected official represents an equal number of voters, and this is the criterion which the authors mainly apply, although when they discuss apportionment and districting their norm is the ratio of seats to inhabitants.

The book is divided into two parts: the first discusses the drafting and provisions of electoral laws used between 1875 and 1956; the second discusses the kinds of inequalities of representation that have resulted from their operation, principally between 1936 and 1956. Both aspects of the election of November 1958 are treated in a postface. The main laws governing the election of the lower house since 1875 and those governing the election of the 4th Republic's Council of the Republic are treated in detail. The Senate of the 3rd Republic is dealt with only briefly, that of the 5th Republic is referred to only in a footnote.

The authors, who were inspired in their study by Maurice Duverger (who contributed an introduction), find two main causes of inequalities in the systems they examine: those relating to the distribution of seats by geographical area and those relating to the electoral system itself. The first category includes inequalities resulting from apportionment, districting and subsequent population movements. The second category includes various kinds of inequalities depending upon whether the system employs the single-member district and two ballots, one kind or another of non-integral proportional representation, or direct or indirect election; whether possibilities for electoral alliances exist; and the tactics of the parties.

The authors conclude that from 1936 to 1956, apportionment and districting generally favored the rural areas and under-represented the economically dynamic regions to which François Goguel has called attention in his studies of electoral geography. The 1958 electoral law equalized considerably the apportionment of seats by department, at the same time as the districting deliberately handicapped the Communist party. The authors have not made a close analysis to determine whether the rural areas are still favored, partly because no official, detailed electoral results have been published and also because they thought it preferable to await the publication of the results of the census of 1959.

The authors also find that the electoral system employed has affected the proportion of votes to seats won by each party, but the inequalities so produced have affected the parties differently from one election to another because of changes in political circumstances, such as the ability of parties to form successful alliances, and no generalizations are offered concerning the effects of each system on particular parties. The authors also cautiously refrain from drawing any conclusions as to the cumulative effect of the two kinds of inequalities they analyze on either the parliamentary strength of each party or the proportionality of representation of specific social groups. Rural dwellers constitute the only social group the book studies in detail, but in the absence of precise statistics on the social composition of each party the authors reserve judgment.

There are some errors in the table on p. 372 which shows the results of the 1958 election. The *Centre gauche* received 1,364,788 votes on the first ballot; the *Modérés* 4,092,600; and the averages calculated on the basis of the votes for these groups should be corrected correspondingly. More importantly, the significance of these averages is questionable. In order to show the average number of votes representing one deputy from each party, the authors divide the number of deputies of each party elected at both ballots into the number of votes cast for their respective parties at the first ballot. But the great majority of the deputies elected in 1958 were elected at the second ballot, and some parties received more votes at the second ballot than they did at the first. A voter has none the less voted for a party even if he does so as a second choice, but the averaging method employed here does not take this into account.—ROY PIERCE, *University of Michigan.*

Berlin: Pivot of German Destiny. BY CHARLES B. ROBSON, editor and translator. (Chapel Hill: University of No. Carolina Press, 1960. Pp. xvi, 233. $5.00.)

This book represents an English adaptation of the most recent of the volumes which have been put together from lecture series delivered under the auspices of the Otto Suhr Institut of the Free University of Berlin. The individual articles cover a variety of aspects of public life in the divided city as seen from there in the summer of 1959, primarily by social scientists and officials who have worked there for most of the post-war period. The nature of the subject tends to preclude any strikingly original deviations from previous perspective, and it is the more specialized articles which will prove of greatest interest to the reader already familiar with the Berlin situation. Thus two officials of the West Berlin administration, Franz Kluge and Friedrich Fürlinger, appraise the city's changing economic structure and developments in city planning. The former presents data relating to Berlin's transformation from a white-collar to an industrial city, makes comparisons with developments in West Germany, and projects changes in economic pattern which would be necessary if, following the Soviet proposal, West Berlin were made a "free city" foregoing Western subventions and dependent for economic viability on increasing its exports to the Soviet bloc. If living standards were to be maintained such exports would have to be increased thirty-fold over the recent past. The latter points out that city planning in both sections of the city has continued on the assumption that Berlin is a single unit, and that there has been considerable collaboration between the two administrations. He believes that "the two parts of Berlin are developing in the same way quite fully in technical matters and that they will not diverge in this respect."

Each in his own way, the other contributors add information on the differences between East and West in most aspects of Berlin life and politics. Senator Tiburtius presents some general impressions about the contrast between the educational and cultural work which he directs in West Berlin and equivalent institutions in the East. Professor Otto Stammer interprets population statistics to add light on the social structure of West Berlin. Two historians, Wolfgang Haus and Professor Hans Herzfeld, deal respectively with Berlin's rise to the position of capital of the Reich and with its post-war dethronement and division. Finally the position of Berlin in world politics and international law is gone over by Heinz Kreutzer and Professors Hans Reif and Edgar R. Rosen, the latter giving "An American View." Professor Charles B. Robson, who is responsible for the editing and the very readable English text, has added a select bibliography.

Quite a number of the articles should prove very helpful in introducing American students to the Berlin problem and its background.—ARNOLD J. HEIDENHEIMER, *University of Florida.*

Die Nationalsozialistische Machtergreifung. BY K. D. BRACHER, W. SAUER, AND G. SCHULZ. (Köln: Westdeutscher Verlag, 1960. Pp. 1034 D.M. 59.)

Throughout the last decade historians, administrators and more or less dispassionate memorialists have unearthed or generated a flood of new material on the National Socialist system. At the same time theoreticians have been busy trying to integrate fitting parts into their own concepts of totalitarianism. But only now, fifteen years after the demise of the N.S. system, a group of historians and political scientists from the Berlin Institute of Political Science have achieved the herculean job of both piecing together and analyzing the story of the consolidation of the N.S. regime in the decisive months between January 30th 1933 and the beginning of August 1934, the latter date covering the terroristic elimination of the SA and the death of Hindenburg. The immense job has been handled in three parts. K. D. Bracher has extended his previous account of the demise of the Weimar regime. It now embraces the final liquidation of the Weimar constitutional establishment, the *Gleichschaltung* and attempt at accommodation of existing social, cultural and religious institutions, the initial stage of intrusion of racial concepts and a lucid account of the roles of tactics and deceit, of seeming accommodation and initial steps in the direction of the immutable foreign policy goals of the new master. G. Schulz's central part deals with the processes and methods leading to the implantation of the new system of domination in central, regional and self-administration organs, the regime's ways of countering the stratagems of the old bureaucratic elite including relations with at least some selected social strata outside the ranks of officialdom. The third part by W. Sauer provides the account of the Reichswehr-Party relations on the basis of a thorough analysis of the Reichswehr policies of the previous period. It then proceeds to narrate the rise and demise of the SA, its role as partner, rival and training agency for the army, but also its omnipresent role in generating the dynamics of terrorism and transmitting its imprint on the body politic at large.

While the authors stop short of producing a general theory of the genesis of the regime, their detailed analysis of its origins fits more often than not, in spite of their occasional polemics against this theory—into the context of the army-industry-N.S. coalition scheme first adumbrated by Franz Neumann. A more detailed treatment of the substance of the labor and agricultural policies of the period, transcending the story of personal, jurisdictional and tactical battles would have reinforced such a conclusion. But the genesis and the beginning of a regime do not necessarily control future trends. According to the Schulz-Sauer analysis, the regime utilized an initial parallelism of short-range interest with both industry and army to steer their original and equal partners into accepting a functionally expanded, but strategically subordinate, role in the service of its own unlimited goals of conquest and expansion.

As to the general traits of the regime, as they became increasingly manifest in this formative period Schulz would lay the greatest stress on the admixture of elements of a bureaucratized central organization, intermittent pseudo-corporative tendencies and the elements of a universal terroristic police state. Sauer finds in his material the elements of a both dynamic and irrational structure. These preeminent features are underlined by the criss-cross of disparate individual new fiefs which belie the monolithic structure of the whole and are forced into line only by the decisive interference of the charismatic leader himself. Together with the polycratic features of this, traditional order and state concepts dissolving Behemoth there goes, rightly emphasized throughout the various contributions, a frantic, if crude effort to create a new personality structure. Nuances in theoretical approach, as they may appear among the three contributors, primarily reflect the numerous inner contradictions of the system described rather than basic differences in analysis.

The book will give future German generations a better comprehension of the genesis and formative years of the Nazi society with the many critical vignettes of a great variety of sub-leader types of the epoch—the Papen, Schacht, Blomberg, Reichenau, Popitz, Frick, Freisler and Roehm, etc.—constituting not the least of its merits. Moreover, all future theorists on the National Socialist system now have a new and vastly improved point of departure.—OTTO KIRCHHEIMER, *New School for Social Research.*

Der Westdeutsche Föderalismus. BY OLLE NYMAN. (Stockholm: Almquist & Wiksell. 1960. Pp. 266. kr. 15:-)

One of the more self-conscious features of political life in Germany since the war has been the effort, more or less genuine, to win recognition as a healthy functioning federal democracy. It is little wonder, then, that so much of the literature dealing with West German politics should focus on federalism and its relation to German democracy.

This concise study by Olle Nyman, published under the auspices of the Swedish State Research Council for Social Research, represents an attempt to clarify the constitutional assumptions of federalism and the practical problems of their suitable adaptation to the realities of western Germany. Nyman tells the reader, although not until the final chapter, that a particularized examination of political practices in the Federal Republic lies outside the design of his study. Accordingly there is not much more than side glances at political party organization and leadership and how these affect local or *Land* allegiances. Roughly three-fourths of the material concerns the formal constitutional machinery of the Federal Republic, the organization and competence of the *Bundesrat*, and the distribution of legislative and administrative power bebetween the *Bund* and the *Länder*. It is interesting that Nyman never attempts a definition of federalism and its requisites in absolute terms, except by pointing out what these have meant in earlier German experience. In this way he avoids forcing doctrinaire, simplistic categories of total acceptance or rejection characteristic of much theoretical writing on the subject.

Empirically-oriented readers would find the most rewarding part to be a short section entitled "The Position of the *Bundersrat* in the Political System of West Germany." It is primarily in the *Bundesrat* that all diverse centrifugal pressures in the Republic, if such there be, meet to safeguard their own interests against the steady expansiveness of the Adenauer Government. Nyman introduces some new material in this section and meets head-on the charges that the *Bundersrat* ceased at some point prior to 1954 to be a primarily federative organ and became instead a modified duplicate of the *Bundestag*, wherein decisions are made on the basis of national, and not *Land*, party alignments. This is not an easy point to refute. Since the early 1950's Chancellor Adenauer, not to mention the SPD, has expended considerable energy in *Landtag* elections in much-publicized efforts to produce sympathetic, and therefore more easily controlled, party majorities at the *Land* level. The result has been a synchronization of political activity at all levels, at least on crucial issues, and a pronounced tendency for *Land* party leaders to dovetail with national party contingents. Nyman contends with persuasive evidence, however, that this tendency has diminished most recently; and that local personal forces and party relations, if not local problems of the *Land* as well, are often of greater importance than influence from Bonn.

Nyman's book is useful mainly as a handy compendium of a broad and widely treated topic. Unfortunately the reader also faces long sections of unexciting speculations about the legal underpinnings of the Federal Republic. Important documents pertinent to West German federalism are appended.—EDWARD L. PINNEY, *Louisiana State University.*

Adenauer and the CDU: The Rise of the Leader and the Integration of the Party. BY ARNOLD J. HEIDENHEIMER. (The Hague: Martinus Nijhoff. 1960. Pp. xv, 259).

Outside the leadership of the superpowers no man, perhaps, has been as influential in shaping the postwar world as the longevous (in terms of office-tenure as well as life) leader of the German Federal Republic and head of its ruling party, the Christian Democratic Union. There is a real paradox in that what today is one of the strongest political parties in the world forming one of the world's stablest governments originated in a grouping which (in contrast to its main rival, the Social Democratic Party) was without a pre-Nazi predecessor, an unusual and uneasy coalition of sectionally, religiously, programmatically divided elements in defeated Germany, even organizationally not united until *after* the foundation of the Federal Republic and the formation of the Adenauer government. What made it one and powerful is told in this book.

If this study was merely an exercise in party history it would yet be valuable as such, since little research has been done in the postwar history of German parties. But exploring the history of the CDU is essential for assessing the future chances of the policy it represents, because it is primarily the story of how one man (backed by strong forces, to be sure, namely all the "restorative" trends in postwar Germany), a supreme manipulator of men and forces, a superb tactician, molded the party and led it to unparalleled success (the CDU being the only party ever to obtain an absolute majority in a free German election). Tensions within the party, as the author points out (p. 243), have not been resolved but merely "sublimated," and thus, as always in such cases, the question of successorship—in terms of person as well as of party and program—looms as a foremost problem for Germany and the world.

But this is primarily the story of the party's establishment and its earlier development under the occupation. On this there has been little in German and nothing in English. The author, having had access not only to party records but also to the correspondence and the personal archives of many leading CDU figures, has been able to make good his claim to "fill some of the important gaps in public knowledge about the party's development during the first five postwar years" (viii). The story is told in a vivid, meticulous yet never pedantic fashion; Adenauer's leadership role emerges clearly, and there is fascination in learning how he established his role and his rule in competition with initially even more influential leaders, whom he managed either to eliminate politically or tie to himself as liegemen. It is not, of course, a personal biography in any way, and not meant to be one, but in many respects it proves more revealing even in this respect than any of the official biographies extant.

Perhaps more emphasis might have been placed upon the role which foreign—that is occupation, that is primarily United States—influence played in shaping party policy; this emerges clearly only once, namely in connection with the issue of the nationalization of Ruhr industry (who, by the way, remembers now that even Adenauer once had come out for nationalization of coal mining? p. 124). Decisive, of course, was the impact of currency reform and the way in which it was done. The author's emphasis on Adenauer's leading role—legitimate though it is—sometimes causes other factors to recede somewhat. It does not detract from the Chancellor's great personal qualifications (however one adjudges them politically) to observe how much factors outside his control converged at an early point to benefit him and his party; things like the organizational merger of North Rhineland and Westphalia (for reasons of electoral geography, remarked upon by the author himself: p. 81); the elimination of the primarily SPD

Eastern Zone from the West German political scene; the chief policies as well as the early death of his main antagonist, SPD leader Kurt Schumacher, who had banked on exactly that of which Germans were then sick and tired: nationalism and economic controls; above all, a developing cold-war situation which made his Western and restorative orientation exactly that which the United States, as leading Western occupation power, would favor and back up.

The book, as a historical study, contains little "political science," or "political sociology," in the sense of an analysis of economic and social background factors, data concerning influence and role of groups like labor and industrialists, former Nazis and temporary holders of leading positions, bureaucrats, or concerning origin and composition of CDU membership, electorate, diet fractions. One would have hoped for inclusion of some such material by an author who, in a series of informative articles, has heretofore given us extremely revealing insights into such *arcana* as CDU party financing.[1] But a reviewer should not tell the author what kind of book he should have written. Heidenheimer has written an extremely useful and interesting one, one which whets one's appetite for a follow-up study relating events in the post-1950 period—here only skimmed—and which might well digest sociological observations not included in the present volume.—JOHN H. HERZ, *The City College (New York).*

Democracy in Finland: Studies in Politics and Government. (Helsinki: Finnish Political Science Association, 1960. Pp. 104.)

In this interesting and valuable symposium nine experts in Finnish law and politics summarize results of their own research which have, for the most part, never before been published in English. Most of the essays reflect an emphasis upon political realities characteristic of Finnish political scientists during the last decade. Although the volume bears the suspicious statement that it was printed in the Government Printing Office, there is no sign that any of the contributors have cleaned up their original Finnish- and Swedish-language conclusions for foreign consumption. It is noteworthy, however, that there are no essays dealing with the fundamental weaknesses of Finnish democracy, reflected in the continuing strength of Finnish Communism since 1918, and the strength of the extreme right wing in interwar years. Jaakko Nousiainen, for instance, who has written a brilliant ecological study of the appeals of Finnish Communism, contributes a substantial but hardly provocative piece on the structure of Finnish political parties. Only in one respect could one disagree with his analysis: when he accepts Maurice Duverger's assertion that the specific character of political parties in the twentieth century consists in their *organization*. It is all the more surprising that this statement should be accepted by a student of an important totalitarian movement.

L. A. Puntila's account of the historical basis of Finnish parties is essentially correct, although it contains a few minor factual errors. It is interesting to note that he apparently accepts (page 5) the proposition that Finland has been Eastern Europe politically. Students of comparative politics will find Göran von Bonsdorff's interpretation of the Finnish multiparty system valuable. Sven Lindman's description of the unique relationship of President and Parliament in Finland deserves more space than it received. In the judgment of this reviewer, Jan-Magnus Jansson places excessive emphasis upon efficiency, at the expense of the rights of individual members, in his remarks on Finnish parliamentary procedure. There is, after all, a point beyond which speedy decision-making processes become clearly undemocratic. This was apparent during the Second World War, when three or four men (two of whom, President Ryti and Marshal Mannerheim, were not responsible to Parliament) made all the crucial decisions and Parliament was presented with accomplished facts. This weakness of Finnish democracy unfortunately does not come out in K. Killinen's account of the relations between political and military leaderships. Two law professors, Paavo Kastari and Veli Merikoski, analyze the related themes of civil rights and equality of the Finnish and Swedish languages, respectively. The panel interview procedure forms the basis for Pertti Pesonen's study of the voting behavior of Finnish students. This is an appropriate concluding essay, since it is the new political generation which will decide the fate of Finnish democracy.—MARVIN RINTALA, *Brown University.*

Advisory Committees in British Government. By PEP (Political and Economic Planning). (London, George Allen & Unwin, 1960. Pp. xii, 228. 25s.)

The inquiry, which covered a period of about two years, 1957–1959, deals with the approximately five hundred standing or permanent advisory committees, including those designated as councils, boards, panels, etc., and gives at the end a list of those by Ministry or other agency as of 1958, and considers their place in the British national political system.—J.B.C.

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[1] This REVIEW, 51 (2), June 1957, 369 ff.

The Rise and Development of a Totalitarian State. By V. Chalupa. (Leiden, H. E. Stenfert Kroese. 1959. Pp. 294. Library of the Czechoslovak Foreign Institute in Exile, II.)

The account of the taking over and establishment of Communist Party controls in Czechoslovakia has considerable interest as showing possibly the pattern of the similar action and functioning in the other so-called "peoples' democracies." The work has apparently had to be prepared under some considerable handicaps and difficulties in regard to access to sources of information in Czechoslovakia. The text is a translation from the original drafted in Czech.

East African Chiefs. A Study of Political Development in Some Uganda and Tanganyika Tribes. Edited by Audrey I. Richards. (London, Faber & Faber, 1960. Pp. 419. 42s.)

The collection of studies made by the staff of the East African Institute for Social Research (established in 1950) illustrates problems to be faced in the establishment of viable independent governments in that part of Africa.—J.B.C.

Elections en Société Féodale. Une Etude Sur l'Introduction du Vote Populaire au Ruanda-Urundi. By Jacques J. Maquet and Marcel d'Hertefelt. (Bruxelles, Académie Royale des Sciences Coloniales, 1959. Pp. 231. Pl. Académie Royale des Sciences Coloniales. Classe des Sciences Morales et Politiques. Mémoires in-8°. Nouvelle série, tome XXI, fasc. 2.)

As a very great innovation, the Government of Ruanda-Urundi in 1956 provided for the first time for the participation of the entire male population in the election of local governmental authorities. The study of the reactions of the heterogeneous population to the western democratic institution is a matter of considerable scientific interest. This study of the 1956 experience was made by the Institut pour la Recherche Scientifique en Afrique Centrale (I.R.S.A.C.) at the request of the Government of Ruanda-Urundi. In such a feudal Society, the economic development and welfare of the inhabitants would seem to be one of the essential conditions of introduction of democratic political institutions. The study will be helpful for understanding the prospects for the establishment of an independent viable government in that jurisdiction in the coming years.—James B. Childs.

The Major Governments of Europe. By Herman Finer. (Evanston: Row Peterson, 1960. Pp. xv, 736+A 74.)

The review of a substantial volume such as this, intended primarily as a text book, would best be undertaken after seeing it through the crucible of the classroom, and its reflection in students' questions and examination papers. This reviewer had such opportunity with Professor Finer's *Governments of Greater European Powers*, 1956, but not as yet with the present work which is based upon a reworking and condensing of the former. Nevertheless, it is obvious that this fresh approach profits from experience with its predecessor, and will be widely used by those wishing the standard institutional approach, country by country.

The student is offered a great deal here: a detailed treatment of government in Great Britain, France, Germany, and the Soviet Union, abundant in fact and opinion, rich in allusion, and meticulous in organization. The section on British government explains the mature and subtle quality of its institutions, and the fundamental decency which informs the English political process. The result is a clear demonstration of parliamentary government at its best. In the next section, the author skilfully weaves together the various historic layers of French government to show how social dissension has produced the parade of regimes and executive instability. He successfully evokes the French political atmosphere, and treats fully General de Gaulle's Fifth Republic, underlining its tentative quality.

Germany's troubled past, its inability to acquire a continuing political style and a national self-image, which could also be acceptable to its neighbors, are well described. There is vivid description of the horrors of the Nazi regime. The larger half of this part, however, is devoted to the current Federal Republic, its institutions, trials, and hopes. Finally, the survey of the Soviet Union is broadly constructed. Contrasts with western and democratic institutions are sharply drawn, and considerable attention is given to the profound implications of a totalitarian regime. The author manifestly makes good use of the English language literature on the subject.

It is not easy to offer criticism of a work of this scope. Broad generalizations may reflect little more than differences in taste and interpretation; to point only at details may emphasize trivia. My principal observation is that the volume tends to suspend the critical function in dealing with British government, though applying it rigorously to the continental systems. Indeed, in his satisfaction with things British, Professor Finer is perhaps *plus royaliste que le roi.* For example, minorities in Britain are treated with "wisdom and restraint"; Parliament is "the pride of Britain"; the Cabinet "functions efficiently and beneficially"; the Crown is "a soaringly resplendent personification"; English local government is "local self-government"; the selfish interests of pressure groups "are moderated or cancelled";

and so on. When criticisms are raised, they are generally refuted.

In contrast, the Germans are cast as heavy villains from the moment they appear on the stage. As early as 1415, "The Hohenzollerns were merely unscrupulous military adventurers"; Luther "with fiery passion . . . exploited the scriptural texts"; Frederick the Great . . . "a brutal military adventurer"; and Bismarck "a brute of large girth," etc. My point is not, of course, that the adjectives may not be merited by German historial figures, but so they might be also by their counterparts in other European countries, including England. Nor would I plead for antiseptic writing, but rather suggest that students react unfavorably to such shifts in tone from Anglophile to Germanophobe.—DELL G. HITCHNER, *The University of Washington.*

Canadian Public Administration. BY J. E. HODGETTS and D. C. CORBETT. (Toronto: The Macmillan Company of Canada Limited. 1960. Pp. xii, 575. $6.25.)

Compared to Britain and certain other Commonwealth countries, Canada has been slow to give formal recognition to the field of public administration, either as a profession or as an academic discipline. Thus it was not until 1947 that the Canadian Institute of Public Administration was founded, and not until 1958 that the Institute launched its journal. Partly in consequence, the literature on public administration in Canada is not abundant. There has, nevertheless, been an increasing amount of material to appear, much of which should be of interest to the American reader. A judicious selection of these items is now included in a single book of readings, edited by two of Canada's foremost scholars in the field.

The volume, which is intended to serve as "a text for Canadian university students and public servants," is not confined solely to the Canadian experience. Parts I and II (A) are devoted to theories and concepts of administration, with most of the selections being taken from American writers. The remainder of the volume is, however, nearly exclusively Canadian, both by substance and by authorship. Part II (B) is devoted to the structure of Canadian administration, and relates to the regular government departments as well as to the public corporations and regulatory agencies. Part III is focused on personnel management in both the federal and provincial civil services, and includes a heavy emphasis on employee unions and associations. Finally, Part IV considers the broad question of administrative powers and responsibilities. Its several essays relating to policy formation will be found by many to constitute the most valuable portions of the book.

Over half of the selections have been taken from the Institute's annual published *Proceedings*, and from the *Canadian Journal of Economics and Political Science*. Less accessible, and in this sense more useful, are the selections from official sources, such as parliamentary committee and royal commission reports. The bibliographical essays which conclude each section constitute another valuable feature of the collection. What is to be regretted is that the editors did not extend their interpretive remarks beyond the bibliography and the single page of comments which introduce each of the book's five sections. Some of the selections obviously suffer from the lack of introductory comment. Nevertheless, the appearance of this volume is to be welcomed as the first comprehensive view of the administrative process in Canada.—HOWARD A. SCARROW, *Michigan State University.*

SELECTED ARTICLES AND DOCUMENTS ON
FOREIGN AND COMPARATIVE GOVERNMENT

HIRAM M. STOUT
Washington, D.C.

General

Butler, David. The Paradox of Party Difference. *American Behavioral Scientist.* November, 1960.

Cook, Robert C. The World's Great Cities: Evolution or Devolution? *Population Bulletin.* September, 1960.

Hoover, Calvin B. National Policy and Rates of Economic Growth: the U. S., Soviet Russia, and Western Europe. *South Atlantic Quarterly.* August, 1960.

Krishnaswami, Arcot. The Status of Religions in Relation to the State. May, 1960.

Oboler, Eli M. The New Nations: a Selected Reading List. *Library Journal.* November 15, 1960.

Perham, Margery. Colonial Government in Countries of Rapid Social Change. *Frontier.* Autumn, 1960.

Rogge, O. John. The Rule of Law. *American Bar Association Journal.* September, 1960.

Spengler, J. J. Economic Development: Political Preconditions and Political Consequences. *Journal of Politics*. August, 1960.

United Kingdom and Commonwealth

Altman, Wilfred. What Denis Healey Thinks. *Contemporary Review*. September, 1960

Attlee, Earl. The Practical Value of the Commonwealth. *Optima*. September, 1960.

Brainard, Alfred P. The Law of Elections and Business Interest Groups in Britain. *Western Political Quarterly*. September, 1960.

Brand, Carl F. The British General Election of 1959. *South Atlantic Quarterly*. Autumn, 1960.

Briggs, Asa. The Intellectuals and the Labour Movement: G. D. H. Cole. *Listener*. October 20, 1960.

Civil Judicial Statistics: statistics relating to the Judicial Committee of the Privy Council, the House of Lords, the Supreme Court of Judicature, county courts and other civil courts. London, H.M.S.O., 1960. (Cmd. 1126).

Conservative Party Conference 1960. *Notes on Current Politics*. No. 19, October 31, 1960.

Constitutional Development in the Commonwealth. Central Office of Information. Reference Division. London, 1960. (RF. P. 4551).

Dowse, Robert E. The Parliamentary Labour Party in Opposition. *Parliamentary Affairs*. Autumn, 1960.

Government and Administration of the United Kingdom. British Information Services. Reference Division. New York, 1960. (ID 1233 rev.).

Grandchap, René. Le Dernière Réunion du Commonwealth. *Revue de Défense Nationale*. August–September, 1960.

Grunbaum, Werner F. The British Security Program, 1948–1958. *Western Political Quarterly*. September, 1960.

Hatch, Stephen, and Fores, Michael. The Struggle for British Aluminum. *Political Quarterly*. October–December, 1960.

Helms, Erwin, ed. The British Commonwealth: A Selection of Speeches and Documents. Göttingen, Vandenboeck & Ruprecht, 1960.

Howard, Michael. Britain's Defenses: Commitments and Capabilities. *Foreign Affairs*. October, 1960.

Jennings, Sir Ivor. Constitutional Problems in Admitting Republics. *Optima*. September, 1960.

Lipset, Seymour Martin. Must the Tories Always Win? The British Voter—I, II. *The New Leader*. November 7 and 21, 1960.

Local and Self-Government; the Experience of the United Kingdom, the Isle of Man, and the Channel Islands. London, Political and Economic Planning, 1960. (P.E.P., v. 26, no. 444, September 22, 1960.)

Mansergh, Nicholas. Britain and the Commonwealth. *World Affairs*. Fall, 1960.

Martin, Kingsley. The Intellectual and the Labour Movement: Harold Laski. *Listener*. October 27, 1960.

McKenzie, Robert. The Leadership of the Labour Party. *Listener*. October 27, 1960.

McVey, G. L. The Public Accountability of Industry. *Political Quarterly*. October–December, 1960.

Reeves, J. E. British Elections and Corrupt Practice Acts. *Kentucky Law Journal*. Summer, 1960.

Report of the Royal Commission on Local Government in Greater London. London, H.M.S.O., 1960. (Cmd. 1164).

Shock, Maurice. The Intellectuals and the Labour Movement: R. H. Tawney. *Listener*. November 3, 1960.

Strachey, John. The Intellectuals and the Labour Movement: Sidney and Beatrice Webb. *Listener*. October 13, 1960.

The Commonwealth in Brief; the Commonwealth Association, the United Kingdom, the UK Dependencies. Central Office of Information. Reference Division. London, 1960.

The Commonwealth of Nations. *Round Table*. September, 1960.

The Monarchy in the United Kingdom. British Information Services. Reference Division. New York, 1960. (ID 1341).

Thomas, Wyndham. Planning in the 1960's. *Political Quarterly*. October–December, 1960.

Tinker, Hugh. New Lamps for Old. Review article. *International Affairs*. October, 1960.

Walkland, S. A. The House of Commons and the Estimates, 1960. *Parliamentary Affairs*. Autumn, 1960.

Western Europe

Abraham, Henry J. A People's Watchdog Against Abuse of Power. *Public Administration Review*. Summer, 1960.

Bell, Daniel. Paris, Berlin and London: Decline of Political Parties. *New Leader*. October 3, 1960.

Bunn, Ronald F. The Federation of German Employers' Associations: a Political Interest Group. *Western Political Quarterly*. September, 1960.

Cate, Curtis. Charles de Gaulle: the Last Romantic. *Atlantic*. November, 1960.

Hermens, Ferdinand A. The Fifth Republic. Notre Dame, Ind., University of Notre Dame Press, 1960.

Hoffman, Stanley. De Gaulle's Memoirs: the Hero as History. Review article. *World Politics*. October, 1960.

Kool, Frits. Communism in Holland: A Study in Futility. *Problems of Communism*. September–October, 1960.

Menzel, Walter. Parliamentary Politics in the

German Federal Republic from 1957–60. *Parliamentary Affairs*. Autumn, 1960.

Middleton, W. L. France, Algeria and the Communauté. *Contemporary Review*. August, 1960.

Patey, Jacques. Recent Reforms in French Criminal Law and Procedure. *International and Comparative Law Quarterly*. July, 1960.

Pickles, Dorothy. The Future of the French Republic. *Listener*. November 3, 1960.

Real, Silvio Schädler. In Catalonia I–II. *Swiss Review of World Affairs*. September and October, 1960.

Sawer, Geoffrey. Politics and the Constitution in West Germany. *Australian Outlook*. August, 1960.

Schaefer, Catherine. Ireland—a New State in the Great Tradition. Paper prepared for the 16th Conference on Science, Philosophy and Religion in their Relation to the Democratic Way of Life. New York, 1960.

Ule, Carl Hermann. Parkinsons Gesetz und die deutsche Verwaltung. Berlin, Walter de Gruyter & Co. 1960.

Wold, Terje. The Norwegian Parliamentary Commissioner for the Civil Administration. *Journal of the International Commission of Jurists*. Winter 1959/Spring-Summer 1960.

Soviet Union and Eastern Europe

Aczél, Tamás. China and the Soviet Satellites: Part I, Hungary: Glad Tidings from Nanking. *China Quarterly*. July–September, 1960.

Avtorkhanov, A. The Union-Republic Congresses and the State of the Party. *Bulletin of the Institute for the Study of the USSR*. May, 1960.

Bialer, Seweryn. Russia's Power Pyramid. *New Leader*. October 24, 1960.

Brisby, Liliana. China and the Soviet Satellites: Part I, Bulgaria: Leaping Forward without Communes. *China Quarterly*. July–September, 1960.

Brumberg, Abraham. New Formula for Soviet Propaganda. *New Leader*. August 15–22, 1960.

Dimock, Marshall E. Management in the USSR—Comparisions to the United States. *Public Administration Review*. Summer, 1960.

Esslin, M. J. China and the Soviet Satellites: Part I, East Germany: Peking-Pankow Axis? *China Quarterly*. July–September, 1960.

Florinsky, Michael T. Russian Industrial Growth and Coexistence. *Current History*. November, 1960.

Ginsburgs, George. Demise and Revival of a Communist Party: an Autopsy of the Hungarian Revolution. *Western Political Quarterly*. September, 1960.

Hampsch, George H. Marxist Jurisprudence in the Soviet Union: a Preliminary Survey. *Notre Dame Lawyer*. August, 1960.

Katzenbach, Edward L., Jr. Russian Military Development. *Current History*. November, 1960.

Kulski, W. W.; Wint, Guy, and Schwartz, Benjamin I. The Structure of Soviet Society, its Politics and Ethics. Three papers prepared for the 16th Conference on Science, Philosophy and Religion in their Relation to the Democratic Way of Life. New York, 1960.

Labedz, Leopold. China and the Soviet Satellites: Part I, Poland: the Small Leap Sideways. *China Quarterly*. July–September, 1960.

Leontin, L. Intransigent Poland. *Military Review*. September, 1960.

McCrensky, Edward. Personnel Management—Soviet Style. *Journal of the Society for Personnel Administration*. September–October, 1960.

McNeal, Robert H. Khrushchev's Domestic Strength. *International Journal*. Autumn, 1960.

Nicolaevsky, Boris. Agriculture and Khrushchev's Power Struggle. *New Leader*. August 29, 1960.

Party Study Program After the Propaganda Decree. *The Current Digest of the Soviet Press*. October 19, 1960.

Ploss, S. I. The Bolshevik Past as the First Secretary Likes It. *World Politics*. October, 1960.

Roegele, Otto B. Rosa Statt Rot: die Berichte aus Moskau. *Politische Meinung*. July, 1960.

Schatten, Fritz. Malinowski im Hintergrund: Sowjetarmee und Weltpolitik. *Politische Meinung*. July 1960.

Teodorovich, N. The Political Role of the Moscow Patriarchate. *Bulletin of the Institute for the Study of the USSR*. September, 1960.

The Draft of the Civil Law Principles Is Published. *The Current Digest of the Soviet Press*. September 21, 1960.

Tomasic, D. A. The Communist Leadership and Nationalism in Czechoslovakia. Washington, Institute of Ethnic Studies, Georgetown University, 1960.

Towster, Julian. The Khrushchev Polity. *Current History*. November, 1960.

Zauberman, Alfred. New Winds in Soviet Planning. *Soviet Studies*. July, 1960.

Middle East and Arab North Africa

Anthem, Thomas. The Cyprus Republic. *Contemporary Review*. September, 1960.

Carey, Jane P. C., and Carey, Andrew G. New Phase in Iran. *Foreign Policy Bulletin*. November 1, 1960.

Caucig, Franz von. Die Türkei Etabliert die Zweite Republik. *Aussenpolitik*. August, 1960.

Cyprus. Central Office of Information. Reference Division. London, 1960. (R. 4426).

Cupta, Brijen K. The Objective and Goals of the National Democratic Party of Iraq. *Middle East Journal*. Summer, 1960.

Habachy, Soba. Law, Bench and Bar in Arab Lands. *Journal of the International Commission of Jurists*. Spring-Summer, 1960.

Heymann, Egon. Die Gefährlichen Obersten; zur Formel Mittelöstlicher Staatsstreiche. *Politische Meinung*. July, 1960.

Hyman, Sidney. Heroic Israel Today: the Legend and the Facts. *Harper's Magazine*. September, 1960.

Jordan. Central Office of Information. Reference Division. London, 1960. (R. 4610).

Kerr, Malcolm H. The 1960 Lebanese Parliamentary Elections. *Middle Eastern Affairs*. October, 1960.

Lerner, Daniel and Robinson, Richard D. Swords and Ploughshares: the Turkish Army as a Modernizing Force. *World Politics*. October, 1960.

Libya. Central Office of Information. Reference Division. London, 1960. (R. 4640).

Sharabi, H. B. Parliamentary Government and Military Autocracy in the Middle East. *Orbis*. Fall, 1960.

Yalman, Ahmed Emin. A New Opportunity for Turkish Democracy. *Pall Mall Quarterly*. Autumn 1960.

Africa

Anderson, J. N. D. Colonial Law in Tropical Africa: the Conflict between English, Islamic, and Customary Law. *Indiana Law Journal*. Summer, 1960.

Apter, David E. The Role of Traditionalism in the Political Modernization of Ghana and Uganda. *World Politics*. October, 1960.

Austin, Dennis, and Tordoff, William. Voting in an African Town. *Political Studies*. June, 1960.

Bechuanaland Protectorate Constitutional Proposals. London, H.M.S.O., 1960. (Cmd. 1159).

Blumenfeld, Y. Yorick. Tribalism vs. Nationalism in African Development. Washington, Editorial Research Reports, 1960.

Brice, Edward Warner. Development of Social Welfare Institutions and Services in Africa. *Journal of Human Relations*. Spring and Summer, 1960.

Bruwer, Johannes P. van S. South Africa: Road to a New Deal. *SAIS Review*. Autumn, 1960.

Carrington, C. E. Frontiers in Africa. *International Affairs*. October, 1960.

Carter, Gwendolen M. Multi-racialism in Africa. *International Affairs*. October, 1960.

Chidzero, B. T. G. African Nationalism in East and Central Africa. *International Affairs*. October, 1960.

Cole, Henry B. Liberia's Role in a Changing West Africa. *Journal of Human Relations*. Spring and Summer, 1960.

Coleman, James S. Nigeria Achieves Independence. *Foreign Policy Bulletin*. October 1, 1960.

Constitution de la République de Ghana (1er juillet 1960). Paris, Documentation Française, 1960. (Notes et études documentaires, no. 2709.)

Cook, Mercer. The Federation of Mali. *Journal of Human Relations*. Spring and Summer, 1960.

Daldry, L. C. Nigeria's Federal Parliament. *African Affairs*. October, 1960.

Elias, T. O. The New Constitution of Nigeria and the Protection of Human Rights and Fundamental Freedoms. *Journal of the International Commission of Jurists*. Winter, 1959/Spring-Summer, 1960.

Ezera, Kalu. Apartheid, Multiracialism, or Communism in Africa. *Journal of Human Relations*. Spring and Summer, 1960.

Frankel, S. Herbert. Economic Aspects of Political Independence in Africa. *International Affairs*. October, 1960.

Frantz, Charles. "The African Personality": Myth and Reality. *Journal of Human Relations*. Spring and Summer, 1960.

Good, Robert C. Tyranny or Puritanism? Sekou Touré's Guinea. *African Report*. October, 1960.

Huddleston, Trevor. The Racial Conflict in South Africa. *Journal of Human Relations*. Spring and Summer, 1960.

Jearey, J. H. The Structure, Composition and Jurisdiction of Courts and Authorities Enforcing the Criminal Law in British African Territories. *International and Comparative Law Quarterly*. July, 1960.

Junod, Violaine. South Africa: Reality and Unreality. *Journal of Human Relations*. Spring and Summer, 1960.

Kilson, Martin L., Jr. Social Forces in West African Political Development. *Journal of Human Relations*. Spring and Summer, 1960.

La République de Haute-Volta. Paris, Documentation Française, 1960. (Notes et études documentaires, no. 2693).

La République du Togo. Paris, Documentation Française, 1960. (Notes et études documentaires, no. 2706).

La République du Tchad. Paris, Documentation Française, 1960. (Notes et études documentaires, no. 2696).

La République Islamique de Mauritanie. Paris, Documentation Française, 1960. (Notes et études documentaires, no. 2687.)

Lee, Rose Hum. Urbanization and Race Relations in Africa. *Journal of Human Relations*. Spring and Summer, 1960.

Longmore, L. Reconstituting the Senate in South Africa. *African Affairs*. October, 1960.

Mair, L. P. Social Change in Africa. *International Affairs*. October, 1960.

Mangin, Gilbert. Judicial Problems in the

"Communauté" in Africa. *Journal of the International Commission of Jurists.* Spring-Summer, 1960.

Manue, Georges R. Remarques sur l'Indépendance du Congo Belge. *Revue de Défense Nationale.* August–September, 1960.

Marcum, John A. Three African Capitals. *Journal of Human Relations.* Spring and Summer, 1960.

Mason, Philip. Nyasaland and the Future of the Federation. *Optima.* June, 1960.

Monheim, Francis. Une Décolonisation Manquée: le Congo. *Cahiers de la République.* September–October, 1960.

Naicker, N. T. The Indians in South Africa. *Journal of Human Relations.* Spring and Summer, 1960.

Nigeria: the Building of a Nation. *British Survey.* September, 1960.

Nigeria: the Making of a Nation. British Information Services. Reference Division. New York, 1960. (I.D. 1355).

Ochong, Okelo, and Ndeti, Francis K. Africa: What after Independence. *Journal of Human Relations.* Spring and Summer, 1960.

Olsen, Edward G. Crisis in Central Africa. *Journal of Human Relations.* Spring and Summer, 1960.

Omari, T. Peter. The Social Services in Ghana. *Journal of Human Relations.* Spring and Summer, 1960.

Perham, Margery. A Prospect of Nigeria. *Listener.* October 20, 1960.

Report of the Advisory Commission on the Review of the Constitution of Rhodesia and Nyasaland. [Monckton Report]. London, H.M.S.O., 1960. (Cmd. 1148).

Report of the Advisory Commission on the Review of the Constitution of the Federation of Rhodesia and Nyasaland. Appendix VI. Survey of Developments since 1953. London, H.M.S.O. 1960. (Cmd. 1149).

Report of the Advisory Commission on the Review of the Constitution of the Federation of Rhodesia and Nyasaland. Appendix VII. Possible Constitutional Changes. London, H.M.S.O., 1960. (Cmd. 1150).

Report of the Nyasaland Constitutional Conference Held in London in July and August, 1960. London, H.M.S.O., 1960. (Cmd. 1132).

Reyner, Anthony S. Somalia: the Problems of Independence. *Middle East Journal.* Summer, 1960.

Smythe, H. H. and Smythe, M. M. An African Balance Sheet: 1960. *Journal of Human Relations.* Spring and Summer, 1960.

Spiro, Herbert J. New Constitutional Forms in Africa. *World Politics.* October, 1960.

Staff Memorandum on the Republic of the Congo. U. S. Congress. House Committee on Foreign Affairs. (86th Cong., 2d sess.) Washington, G.P.O., 1960.

Symposium on Africa; presented by the Barnette Miller Foundation of Wellesley College, February 16 and 17, 1960. Wellesley, Mass., Wellesley College, 1960.

Williams, Chancellor. African Democracy and the Leadership Principle. *Journal of Human Relations.* Spring and Summer, 1960.

Williams, David. Nigeria's Magna Carta. *Optima.* June, 1960.

Worsley, Peter. One-Party Democracy. *Listener.* August 4, 1960.

South and Southeast Asia

Fall, Bernard B. Constitution-writing in a Communist State: the New Constitution of North Viet Nam. *Howard Law Journal.* June, 1960.

Fall, Bernard B. North Viet-Nam's Constitution and Government. *Pacific Affairs.* September, 1960.

Floris, George A. The Sikhs and the Punjabi Suba. *Contemporary Review.* September, 1960.

Ghate, Rhona. India's Underprivileged. *Contemporary Review.* September, 1960.

Gunewardena, A. E. Towards Stability and Progress in Ceylon. *Pall Mall Quarterly.* Autumn, 1960.

Hastings, Peter. New Guinea—East and West. *Australian Outlook.* August, 1960.

Hinterhoff, Eugene. Die Basic Democracies im Neuen Pakistan. *Aussenpolitik.* August, 1960.

Hottinger, Arnold. Pakistan—ein islamischer Staat? *Monat.* September, 1960.

Kabir, Humayun. Congress Ideology. *India Quarterly.* January–March, 1960.

Left-wing Political Movements—Indonesia. New York, Joint Publications Research Service, 1960. (JPRS, 5298).

Murphy, Marvin. Overcoming Resistance to Major Change—Vietnam Budget Reform. *Public Administration Review.* Summer, 1960.

Nepal: Political Developments 1959–60. Central Office of Information. Reference Division. London, 1960. (R. 4020/1).

Political Activity of the Indonesian Peasant Force (BTI). New York, Joint Publications Research Service, 1960. (JPRS, 5299).

Political Developments in Indonesia. New York, Joint Publications Research Service, 1960. (JPRS, 5295).

Political Developments in Indonesia—Indonesia. New York, Joint Publications Research Service, 1960. (JPRS, 5475).

Rao, B. Shiva. The Future of Indian Democracy. *Foreign Affairs.* October, 1960.

Rao, V. K. R. V. Freedom and Development; the Challenge, with Special Reference to India. *Australian Outlook.* August, 1960.

Robson, William A. India Revisited. *Political Quarterly.* October–December, 1960.

Scigliano, Robert. They Work for Americans: a Study of the National Staff of an American Overseas Agency. *American Sociological Review.* October, 1960.

Selected Articles on Indonesian Political Parties and Labor Movement—Indonesia. New York, Joint Publications Research Service, 1960. (JPRS, 5478).

Short History of the P.S.I.I. (chronological)—Indonesia. New York, Joint Publications Research Service, 1960. (JPRS, 5584).

Shridharani, Krischnalal. Probleme des indischen Parteiensystems. *Indo Asia.* July, 1960.

Tregonning, K. G. Malaya, 1959. *Australian Quarterly.* June, 1960.

Van der Kroef, Justus M. Indonesian Communist Policy and the Sixth Party Congress. *Pacific Affairs.* September, 1960.

Van der Kroef, Justus M. Indonesia: Problems of 'Guided Democracy.' *Foreign Policy Bulletin.* August 15, 1960.

Von der Mehden, Fred. Burma's Religious Campaign against Communism. *Pacific Affairs.* September, 1960.

Webb, Leicester. Pakistan as an Islamic State. *Australian Outlook.* August, 1960.

Far East

Akisada, Tsuruzo. Whither Social Democratic Party. *Contemporary Japan.* December, 1959.

Alexandrov, K. China's Independent Policy. *Bulletin of the Institute for the Study of the USSR.* May, 1960.

Barr, John. South Korea in Transition. *Quarterly Review.* October, 1960.

Barr, John M. The Second Republic of Korea. *Far Eastern Survey.* September, 1960.

Dando, Shigemitsu. Basic Problems in Criminal Theory and Japanese Criminal Law. *Indiana Law Journal.* Summer, 1960.

Eckersley, T. W. The Covert and Overt Use of Force in Politics in Japan. *Australian Outlook.* April, 1960.

Fraser, Stewart E. Education and Politics in Red China. *Colorado Quarterly.* Summer, 1960.

Ginsburgs, George, and Mathos, Michael. Communist China's Impact on Tibet: the First Decade (I) and (II). *Far Eastern Survey.* July and August, 1960.

Ikematsu, Fumio. Elections and Cabinet Reshuffle. *Contemporary Japan.* August, 1959.

L'Evolution de la Chine Populaire au début de 1960 (d'apres les sources chinoises). Paris, Documentation Française, 1960. (Notes et études documentaires, no. 2695).

Luard, D. E. T. The Urban Communes. *China Quarterly.* July–September, 1960.

Marshall, Charles Burton. The Chinese Puzzle. *Commonweal.* November 11, 1960.

Mehnert, Klaus. Die Philippinen am Rande Asiens. *Indo Asia.* July, 1960.

Morris, Ivan. Extremes in Japanese Politics. *World Today.* November, 1960.

Mortimer, M. The Future of Fiji. *Quarterly Review.* October, 1960.

North, Robert C. The Challenge of Communist China. Review article. *World Politics.* October, 1960.

Political Practices in Communist China. New York, Joint Publications Research Service, 1960. (JPRS, 5157).

Powell, Ralph L. Everyone a Soldier: The Communist Chinese Militia. *Foreign Affairs.* October, 1960.

Reischauer, Edwin O. The Broken Dialogue with Japan. *Foreign Affairs.* October, 1960.

Roll, Christian. Hinterlassenschaften des Rhee-Regimes in Südkorea. *Aussenpolitik.* October, 1960.

Speeches at Second Session of Second National People's Congress—Communist China. New York, Joint Publications Research Service, 1960. (JPRS, 5307 and 5635).

Tanaka, Kotaro. Democracy and Judicial Administration in Japan. *Journal of the International Commission of Jurists.* Winter, 1959/Spring–Summer, 1960.

Urban Communes—Communist China. New York, Joint Publications Research Service, 1960. (JPRS, 5106).

Whiting, Allen S. The Logic of Communist China's Policy: the First Decade. *Yale Review.* Autumn, 1960.

Australia and New Zealand

Australia. *Atlantic Monthly.* November, 1960.

Blair, Leo. Public Employment—an Australian Contrast. *Public Law.* Autumn, 1960.

Encel, S. The Concept of the State in Australian Politics. *Australian Journal of Politics and History.* May, 1960.

Hanson, Eric J. Australian Commonwealth Grants Commission; a Quarter Century of Fiscal Judgment. Toronto, Canadian Tax Foundation, 1960. (Canadian Tax Paper No. 20).

Latin America and West Indies

Bailey, Norman A. Latin America Since the War. *Journal of International Affairs.* No. 2, 1960.

Communism in Colombia. *Swiss Review of World Affairs.* September, 1960.

Fitzgibbon, Russell H. What Price Latin American Armies? *Virginia Quarterly Review.* Autumn, 1960.

Free, Lloyd A. Attitudes of the Cuban People toward the Castro Regime in the Late Spring of

1960. Princeton, N. J., Institute for International Social Research, 1960.

Gardner, Mary A. The Argentine Press since Peron. *Journalism Quarterly.* Summer, 1960.

Gillin, John P. Changing Depths in Latin America. *Journal of Inter-American Studies.* October, 1960.

Haselden, Kyle. Cuba: a Study in Contrasts. *Christian Century.* November 9, 1960.

Homenaje a la Revolucion Mexicana. *Combate.* November–December, 1960.

Kalvoda, Josef. Communist Strategy in Latin America. *Yale Review.* Autumn, 1960.

Lieuwen, Edwin. New Roles for the Latin American Military. *World Affairs.* Fall, 1960.

Logan, Rayford W. Crisis Impending in the Dominican Republic? *World Today.* November, 1960.

Madariaga, Salvador de. Cuba: the West's Gravest Set-back. *Pall Mall Quarterly.* Autumn, 1960.

Martinez, Orlando. Venezuela: Iran of America. *Contemporary Review.* August, 1960.

Pompeu Accioly Borges, T. Censo Demográfico de Brasilia, a Nova Capital do Brasil. *Boletim do Centro Latino—Americano de Pesquisas em Ciências Sociais.* May, 1960.

Report of the Trinidad and Tobago Constitutional Discussions Held in London in November, 1959, and in Trinidad in June, 1960. London, H. M. S. O., 1960. (Cmd. 1123).

Rumney, Michael. Mexico's Continuing Revolution. *New Leader.* October 31, 1960.

Taylor, Philip B., Jr. The Mexican Elections of 1958: Affirmation of Authoritarianism? *Western Political Quarterly.* September, 1960.

Trinidad and Tobago. Central Office of Information. Reference Division. London, 1960. (No. R. 4616).

Vallet, René. L'Alternative de Fidel Castro. *Revue de Défense Nationale.* October, 1960.

Wiegand, G. C. The Latin American Powder Keg. *Business Horizons.* Fall, 1960.

Wyckoff, Theodore. The Role of the Military in Latin American Politics. *Western Political Quarterly.* September, 1960.

Canada

Ketchum, Carleton J. Canada's Civil Service Commission. *Monetary Times.* November, 1960.

Ratchford, B. U. The Constitutional Basis of Public Expenditure in Canada—Pt 1. *Canadian Tax Journal.* September–October, 1960.

INTERNATIONAL POLITICS, LAW AND ORGANIZATION

The Strategy of Conflict. By Thomas C. Schelling. (Cambridge: Harvard University Press. 1960. Pp. ix, 309. $6.25.)

Most attempts to apply game theory to the patterns of international political bargaining have eschewed any move beyond the extensive boundaries of the original mathematical formulations of Von Neumann and Morgenstern. Since the least mathematical progress has been made in just that aspect of game theory seemingly most relevant to social conflict—the nonzero variable sum game wherein the participants have both mutual interests and rivalries—few non-mathematicians have presumed to touch the subject at all.

Schelling's training as an economist and his experience as an associate in Harvard's Center for International Affairs and with RAND equip him to fill this gap, and this work is therefore the more welcome an addition to the slim shelf of game theory books which can communicate to the political scientist. Like Morton Kaplan, whose *System and Process in International Politics* pioneered in the field, Schelling limits his mathematics to simple matrix illustrations (save for one differential equation in the chapter on surprise attack), and so remains comprehensible to the reader untrained in advanced analysis. Nevertheless he breaks new ground in his development of the "theory of interdependent decision"—covering the broad continuum of social situations in which opponents (or bargainers or negotiators) have mixed motives between pure rivalry and pure cooperation.

So little has this area of action been studied by rigorous analysis that, as Schelling points out, there is no plain word for the human participants in this sequence of "games," comparable to "rival" or "partner" for the two extremes. Yet most political—indeed most human—relationships fall in this region: few rivals lack some common interest, even if only in mutual survival; few allies function without some conflict.

Among the patterns explored are the irrevocable commitment, the threat, the promise, the institution of hostages, tacit coordination and tacit bargaining, the "bear by the tail" situation, identification, delegation, mediation, and mutual distrust. These he fits into game theory by both subjective and formal analysis, and applies to such political problems as limited war, massive retaliation, brinkmanship, surprise attack, disarmament, nuclear weapons competition, "open skies" inspection, and foreign aid. As an example of the sometimes surprising conclusions drawn, he points out that if mutual confidence in the certainty of deterrent power is depended on to prevent all-out nuclear attack (as it certainly is), then the stability of this confidence will increase with the number of retaliatory weapons each side possesses.

Though several of the chapters have appeared as independent articles and papers, chiefly in *The Journal of Conflict Resolution*, the resulting book is well integrated by revision and much new material. The style throughout is clear, with many lively illustrations to mitigate the rigor of careful theory.—OLIVER BENSON, *University of Oklahoma.*

Between War and Peace: The Potsdam Conference. BY HERBERT FEIS. (Princeton, N. J.: Princeton University Press, 1960. Pp. viii, 367. $6.50.)

"Terminal" was the code name Churchill gave to the Potsdam Conference because that summit meeting was presumably to point up the transition from war to peace in Europe. In reality, this Conference marked the end of the victorious alliance. Its unifying factor had been the common enemy, Germany, and with the certainty of her defeat the tenuous coalition rapidly eroded during the spring of 1945. At the Potsdam meetings of the Big Three in July, there was none of the warmth and apparent trust characteristic of the earlier conferences at Teheran and Yalta. Correspondingly, the political fruits were comparatively meager.

In his earlier work, *Churchill-Roosevelt-Stalin*, Feis presented a masterful history of the grand alliance of the United States, Great Britain, and the Soviet Union from 1941 through the Yalta Conference. The present work picks up the story with the difficulties which arose in executing the Yalta agreements in the spring of 1945 and culminates with an analysis of the Potsdam Conference.

The book opens with an account of the Russian suspicion of the Western allies as the Germans made an unsuccessful last-ditch attempt to split the coalition through their surrender tactics. The abrupt termination of lend-lease by the United States immediately after Germany's surrender, while in compliance with the orders of Congress, placed a great strain upon the alliance. But more damaging was the mistrust created by the Soviet interpretations of the Yalta agreements concerning Poland and the former Axis satellites of Eastern Europe. Russian unilateral action in these countries and in Austria, her pressures upon Turkey and Iran, uncertainties with respect to Soviet intentions in Germany, and her probings elsewhere caused the British to fear the expansion of communism into Western Europe and the Mediterranean. Despite warnings from American diplomats abroad, Truman and most of his advisers did not share the British alarm. While there was some mistrust of Soviet intentions, there was an overriding desire to maintain the coalition so as to assure Soviet participation in the new United Nations and in the war against Japan. On the whole, the Americans, lacking short-range objectives, placed great confidence in paper agreements and procedures looking to long-range goals. In addition, some Americans felt it fruitless to attempt to block Soviet domination in areas which the Soviet Union could in any case control through the presence or proximity of the Red Army. Hopkins' journey to Moscow did little to deter the Russians, and the Potsdam Conference opened in an atmosphere of frustration and uncertainty.

Feis's account of the Conference leaves the impression that the Russians were clear as to their objectives and that Stalin was a skillful negotiator. Churchill appeared depressed, and the British were handicapped by elections at home. The American team of Truman and Byrnes was the least experienced. The successful testing of the atom bomb was hardly used by the Americans to improve their bargaining position. The crisis of the Conference arose over the stalemates on German reparations and the German-Polish boundary. Truman initiated the compromise formula under which the Western partners accepted a modification of the Russian position on the boundary question and Russia accepted the Western position on German reparations along with an American proposal for the admission of Italy to the United Nations. Subsequently, the Soviet Union was to use its veto in the Security Council to block Italian membership in the United Nations, and both sides knew that the compromise on the major points involving Poland and Germany was more a recognition of existing power realities than an agreement on moral and political principles.

In a book which concentrates on diplomatic history, much is assumed. Feis offers no speculation on the basic assumptions which shaped the views of the members of the coalition on the nature of post-war international relations. Strategic, economic, and other implications of policies are not always evaluated, and little account is given of the human elements of the story—the suffering, cruelty, disappointment and bitterness. But within its scope, the book is soundly conceived, and Feis's clear narrative is interlaced with astute commentary. The sources employed were mostly American and British, and included the unpublished State Department Potsdam Papers.

Only the highlights of the Big Power differences which threatened to stalemate the United Nations San Francisco Conference are discussed in this work. As Feis explains, the diplomacy involved in forming the United Nations is adequately covered elsewhere. Most of the vital events, decisions, and policies concerning the Far East during this crucial period which did not influence directly the position of the big powers on western problems are omitted from this volume, for Feis is planning to deal with them in a future book. Thus such a vital factor as the Japanese peace feeler made to the Russians prior to the dropping of the atomic bomb (revealed in the State Department's Potsdam Papers) is not discussed.

In his final paragraph, Feis calls upon the great nations to "live and act more maturely and more trustfully than they did during the months that followed the end of the war against Germany." Well and good, but one wonders whether this wish does not presuppose a concept of international relations not shared by the Soviet Union. In view of the events recited throughout the book, were the British not justified in their alarm at Soviet intentions? Finally, one cannot help but speculate on the historic irony of the American position in trying to keep the coalition together. The refusal to believe the worst of Russia and the efforts at accommodation, although in the end a failure, allowed the United States to enter the cold war with a better conscience and greater unity than might otherwise have been the case had cooperation not been sincerely sought.—ALFRED P. FERNBACH, *University of Virginia.*

The Policy Machine: The Department of State and American Foreign Policy. BY ROBERT ELLSWORTH ELDER. (Syracuse, New York: Syracuse University Press. 1960. Pp. xi, 238. $4.50.)

Dr. Elder has contributed a valuable comment to the growing discussion of whether the American government can make sensible foreign policy.

He examines in detail those elements of the State Department that have most to do with policy decisions: the "country desks," the intelligence analysts, the policy planners, Congressional relations men, information men, and public opinion analysts. His persistent description of what these units do and how they relate to each other is invaluable. Through no fault of his, the reading seems at times like wading hip deep through alphabet soup, but I know of no better source for as much inside information.

Dr. Elder is too kind to punch a weakness on the nose. His readers can discover what he means if they read carefully and do their own analyses. This reader discovered that the units of the department, as well as other agencies involved in foreign relations, have become so involved in clearing with each other that they have lost sight of their main purpose. Coordination appears to have become an end in itself. It no longer serves the purpose of making decisions of policy. Its victims are so occupied with routine that they have no time left to think of tomorrow. For example, the policy planners, so strategic to the future of the nation, spend their time reading the news bulletins circulated inside the department several times a day, or attending staff meetings in other units, or writing and discussing papers that have been requested. To add difficulty, planning in the department has been tied into the strait jacket of papers and clearances that are the habit of the National Security Council and its dependent web.

Of course, good reasons can be given for the way things are done, and Dr. Elder reports them. The defense can be accepted only if we ignore results. Decisions add up to make history. Looking at history during the past twenty years, I find it hard to believe that "the policy machine" is working well. This book supports the doubt. The State Department reacts responsibly, and in many cases wisely, to events that others make. It does not act ahead of time.

Dr. Elder recommends in his solution that long range and deep analysis, using the best instruments of social science, should be added to the decisions of foreign policy. To allow this he proposes the creation of Offices of Social and Behavioral Research in the relevant departments, to work with a Social Research Board which would be a new sub-group of the National Security Council. He is wise in his argument for more social science. His recommended change in structure adds another point of coordination by consensus when there are already too many. He fails to deal thoroughly with the real trouble of excessive conference and too few executives with competence and courage to make decisions.—JAMES L. MCCAMY, *University of Wisconsin.*

Survey of International Affairs, 1955–1956. BY GEOFFREY BARRACLOUGH and RACHEL F. WALL. (New York: Oxford University Press, 1960. Pp. ix, 327. $8.00.)

The latest volume of *Survey of International Affairs* covers a very interesting period—from the beginning of 1955 to the middle of 1956—but stops short prior to the dramatic events of the second half of 1956. The present pattern of international politics was clearly emerging during those eighteen months. It was at that time that the Soviet Union began its political offensive in the underdeveloped countries, while holding up the line in Europe. The Western Powers were slow in catching up the political meaning of nuclear stalemate, which made the so-called policy from the position of strength rather meaningless after the Soviet Union had attained its own position of strength. The Soviet Government was quicker in drawing the conclusions; while neither side could alter the European status quo, including the division of Germany, that Government decided to undermine, by non-military means, the Western positions in the underdeveloped countries. The Czechoslovak-Egyptian arms deal was the opening shot fired in the Near East hitherto considered an exclusive Western preserve. Further salvos were later to resound in all the non-European continents.

1955 was the year not only of the sterile Geneva summit conference but also that of the Bandung Conference where Asian and African nations claimed their right to a voice in international politics. Both 1955 and 1956 revealed the existence of a crisis within NATO. This crisis, not yet overcome, was due to several reasons such as the lack of a co-ordinated policy, the divergencies of national interests (for instance, in the Near East), the growing trend towards what was to become the European Community and hence the source of a serious disagreement between the United Kingdom and the six Members of this Community, and the re-examination of the military concept of the Western alliance. It was at that time that people began to ask the question whether the American massive deterrent would be used in the defense of Europe despite the threat of Soviet retaliation against the United States, and whether nuclear weapons really could compensate the Western inferiority in conventional forces.

Both years were crowded with important events, including the crisis in Eastern Europe which was precipitated by the 20th Congress of the Soviet Communist Party and in particular by Khrushchev's secret speech.

The editorial comments are principally written from the British point of view but sometimes reflect the opinions of the editors rather than those of the British Government. The editors are rather consistently critical of the American foreign policy and do not display much tenderness for the West-German Government, in particular Chancellor Adenauer. The Soviet policy receives a much more charitable treatment. This interpretation is in itself an intellectual challenge to the reader.

The non-sentimental tone of the comments is far removed from the style of Arnold Toynbee, the former editor, but much closer to the style of his critic, Edward H. Carr.

Generally speaking, one cannot disagree with the main point of the comments, namely that the record of those eighteen months is hardly a monument to the sagacity and farsightedness of the Western Powers which were caught napping by the new Soviet policy in the underdeveloped countries.—W. W. KULSKI, *Syracuse University.*

Consensus Formation In The Council of Europe. BY ERNST B. HAAS. (Berkeley: University of California Press, 1960. Pp. 70. $2.00.)

This inquiry into consensus formation in the Council of Europe was undertaken to provide a basis for assessing the role of the Consultative Assembly in the process of European integration. "Consensus" is selected as an indicator of integrative contributions of the Assembly. Professor Haas postulates nine hypotheses in this regard and makes an assiduous analysis of the Assembly's roll-call votes to test the validity of these hypotheses.

A major effort is made to measure the degree of cohesion shown by the three aggregates: national delegations, national parties and international party groups. The index of cohesion here is "the deviation from unanimity." Some of the major conclusions derived from the quantitative analysis are: "the national party is the focus on which the individual member makes his decisions and it commands more loyalty than either the national delegation or the international party group . . ."; the Christian Democrat Group does not play the role of a prefederation "catalyst" party; there is no convincing support for the argument that national delegations or national parties whose countries participate in subregional organizations are more cohesive.

The general conclusion is that European parliamentarians have achieved increasing procedural consensus but at the expense of substantive consensus. In the remainder of the book, Professor Haas suggests some explanations as to why specific substantive international party consensus, which has been developed in other European parliamentary assemblies, was not carried over to the Consultative Assembly.

The elaborate quantitative analysis—expressed in twenty-two tables—confirms and lends precision to the earlier findings. Moreover, the utility of statistical data is properly delimited and is supplemented by the author's perceptive observations and interpretations. The work is filled with findings of importance and interest to the students of international organization. Its chief contribution lies in its theoretical orientation and in the cumulative nature of its conclusions.

The conceptual definition of consensus, however, is somewhat fuzzy, its use being inconsistent and contradictory. The distinction between a specific and general consensus—whether of substantive or procedural type—is vague. For whether the criterion is agreement by "most members," "a large majority" or "the entire Assembly membership" is not clear. While reminding us repeatedly that neither substantive nor procedural consensus existed at the inception of the Council of Europe, the author introduces the existence of "over-all or general consensus," which he himself variously characterizes as general, pervasive or definite, and which he claims is attained by a large majority or sometimes by as much as three-fourths of the Assembly membership. Furthermore, two additional criteria, extensiveness of territorial and ideological coverage, on the one hand, and of programmatic compactness, on the other, are supplied without prior preparation.

This study minimizes the importance of institutional parameters for the understanding of parliamentary behavior. Constitutional prescriptions and procedural rules may deserve greater weight. Sensitivity to the impact of the procedural rules on the substance of policy may enable us to explain more adequately the patterns of behavior under observation.

In view of the main objective of the study, one may wonder why no hypothesis has been developed establishing the relationship between procedural and substantive consensus formation. Under what conditions does the impact of procedural consensus on substantive consensus formation tend to be deleterious or favorable?

The author seems to regard the three aggregates not merely as indices but as determinants of the voting behavior of parliamentarians, though his analysis does not warrant this conclusion. Rather, such a conclusion should await a systematic attempt to explain the parliamentary behavior by relating it to external bases. Moreover, as Professor Haas realizes, it is possible that parliamentarians are acting merely in conformity to their values, beliefs and emotional attitudes.

Variations in parliamentary behavior may be approached by studying differences in the conceptions of roles entertained by parliamentarians as members of the Consultative Assembly. Inquiry into the different conceptions of roles as well as emotional attitudes of the members would seem directly relevant to the study of consensus formation and would explain the development of procedural agreement on the "European Review" function of the assembly and the failure to develop substantive consensus. If the development of procedural consensus is deemed to contribute to collective role perceptions, the author's inquiry, had it been pursued beyond mere cursory examination of aggregates, would have been more fruitful.

In view of the rapid turnover in the Assembly membership and of the unsolved questions of the significance of roll-calls (à la Riker, Guttman, Belknap et al.) the appropriateness of this line of inquiry into the evolution of consensus might be questioned.—YOUNG-CHIN KIM, *Hobart and William Smith Colleges.*

Soviet Coexistence Strategy. BY ALFRED FERNBACH. (Washington: Public Affairs Press, 1960. Pp. vii, 63. Paper.)

The objective of this study is to "ascertain the nature of Soviet bloc participation in the ILO, and to determine the influence of this participation upon both the ILO and the members of the Communist bloc."

Professor Fernbach concludes that the real Soviet interest in the ILO is 1) to pose as the champion of the interest of the workers and to promote class struggle, 2) to propagandize economic and social achievements of the Communist countries and 3) to profess its desire for peace and its interest in the welfare of the peoples in underdeveloped countries. Of the impact on the ILO of communist participation, the author notes: the tripartite principle has been modified in favor of the principle of universality; the concept of freedom of association has been given a broader and legalistic interpretation; and the ILO sessions reflect ideological cleavage and international tensions.

As for the influence on the Soviet bloc of its participation in the ILO, the author states:

> In a few cases, notably involving forced labor, there are indications that association with the ILO has influenced at least to a slight extent the formal legal structure of Soviet bloc members on labor and social matters. There has, however, been no noticeable shift in their basic attitudes, especially on the ultimate fate of the non-communist world.

Though it is a declared objective of the study, few relevant materials are presented with regard to the influence on the Soviet bloc of its participation. If it is difficult to obtain information on actual practices, one may ask what attempt has been made to ascertain such influence on the formal and legal structures of labor.

The author indicates the votes in the ILO on a number of issues but he neither indicates the patterns of voting alignment nor comments on the degree of cohesion shown by national delegations, Employers' Group and Workers' Group.

The sources or bases for important observations and interpretations are not always indicated. For example, readers would be interested in the identity of "some observers" to whom important observations are occasionally attributed.

Excessive recourse to extraordinarily lengthy quotations requires some justification, particularly when one remembers that of the sixty page text only one half is allocated for the presentation of materials directly relevant to the objective of the study. The study is based primarily on the ILO documents. The materials presented give disproportionate weight to non-communist responses to the Soviet re-entry, and consequently the expectations aroused by the monograph title are not fulfilled.

Shorn of any claim to novelty, profundity of conclusions or methodological sophistication, this general account of the problems associated with Soviet participation in the ILO may be of some interest to the layman.—YOUNG-CHIN KIM, *Hobart and William Smith Colleges.*

Quaker Ways in Foreign Policy. BY ROBERT O. BYRD. (Toronto: University of Toronto Press. 1960. Pp. xxi, 230. $5.00.)

This concise and readable volume presents the essence of Quaker theory and practice in grappling with the demons of international conflict. This exposition is important not only because of the noble ideals involved but because these ideals have been shaped and put to work by a band of exceptionally dedicated, responsible, and influential people both in this country and abroad. One is constantly amazed that a religious fellowship that numbers only 100,000 adherents in the United States could have exerted so much constructive influence in so many critical problem areas, from the Negro question to East-West relations.

Like ancient Gaul, the book is divided into three parts. The first explains the general spirit of Quakerism as background for the main part of the volume. The second section sets forth the major underlying principles which have generally governed Quaker views with regard to international affairs. The third, and longest, part presents an historical review of the main periods of Quaker thought and action on foreign policy matters.

One is reminded anew of the extraordinary challenge of the Quaker "testimony" that no civilized person can ignore: urging men to live according to the highest Christian principles in both their personal and national conduct, emphasizing especially an ethic of constructive humanitarianism and non-violence. At the same time, the puritan spirit has made the Quakers supremely practical, epitomized in the work of the American Friends Service Committee. They have stressed the importance of mastering their own souls first as the best way of influencing others, not trying to press others to follow the same path until they really understand and voluntarily embrace the whole philosophy. While no two Quakers have exactly the same outlook regarding the use of force, or anything else, it is noteworthy that the American Friends Service Committee issued the following statement in 1931:

"To attempt on a national scale to deprive the country of its right to self-defense at a time when only a very small percentage of its citizens were convinced of . . . the futility of war and when the machinery for the peaceful settlement of international disputes has not been firmly established, would arouse even fiercer and more elemental passions because it involves not only the instincts of self-preservation but all the emotions of patriotism."

The only general question that might be raised is whether the author has done full justice—which would have been difficult within such a brief volume—to the tensions that inevitably exist among various competing values in Quakerism, as in any other philosophy. For example, only a couple of pages are devoted to the conflict between the desire of some Quakers that the United States take the lead in fostering unilateral disarmament and the view of others that it is preferable to seek multilateral agreement uniting the major powers in a collective arms control arrangement. Quakers oppose policies emphasizing the importance of "security" on the ground that they may buttress an outmoded *status quo*, but "security" against violence is one of their own principal goals. They oppose "coercion," but it is not clear that they have thought through the dilemmas involved in protecting the individual's "freedom" in a world of increasing personal as well as national interdependence. But these questions do not diminish one's respect for a volume that is both inspiring and instructive in the breadth and depth of its analysis of a noble movement.—H. FIELD HAVILAND, JR., *The Brookings Institution.*

Who Wants Disarmament? BY RICHARD J. BARNET. (Boston: Beacon Press, 1960. Pp. xviii, 141. $3.50.)

One does not read far into this book before learning that the answer to the title question must include at least the name of the author. As Mr. Barnet attempts to explore under what circumstances the fulfillment of his desire could become a rational policy option for the United States, his brief volume succeeds more in asking some of the relevant questions than in answering them.

Starting from the basic conviction that the U. S. and the USSR are engaged in a monstrous arms race which can lead but to worldwide disaster unless the U. S. makes a determined and successful effort to correct the situation, Mr. Barnet first reviews the history of the recent events that have led us into the current condition. Next, with greater calm and a more balanced perspective than most who start with his conviction, he presents reasoned arguments—from the points of view of both the United States and Russia—for and against a reduction and ultimately a termination of the capacity of the two major powers to make war upon one another. Unfortunately, however, the very intensity of his focus upon the U. S.-Russia confrontation leads him implicitly to assume a longer and stronger future for the bipolar context than many others would now expect. Hence, he largely ignores the growing number of nations not allied with or irrevocably linked to the U. S. or the USSR—those which may ultimately play roles of greater impact upon the future course of arms competition than any unilateral or bilateral actions of either of the two major powers of today. Similarly, he implicitly assumes that a formal agreement on arms control (disarmament being a special and the ultimate variety of peaceful arms control) between the U. S. and the USSR would include a device to prevent the advent of the so-called "*n*th country" problem. The closest he comes to a comment upon this matter is his stated hope that the growing economic and military capability of China may be a factor encouraging the U. S. and USSR to force worldwide disarmament. One may wonder, however, to what extent either the U. S. or Russia any longer retains the capability to force any independent nation—ally or non-ally, big nation or small—to take a course against its will without at the same time risking the very kind of war which arms control would be designed to prevent.

In the end, after having all along suggested that some degree of disarmament is the only way likely to prevent nuclear disaster and thus presumably worth considerable risks to obtain, the author concedes that to promote and secure disarmament would not be a rational option for the U. S. unless there are important fundamental changes in Russia's long-range objective of world domination and in its demonstrated willingness to use any expedient to further this goal. To find if we (the U. S.) do ever intend seriously to promote disarmament, he proposes a massive governmental research project to ascertain precisely under what conditions and in what manner it would be safe and otherwise advantageous for us to disarm to any degree, and second, to ascertain how we might go about bringing those conditions into being.—VINCENT DAVIS, *Princeton University.*

American Might and Soviet Myth. BY JAMESON G. CAMPAIGNE. (Chicago: Henry Regnery Company. 1960. Pp. 218. $3.95.)

Mr. Campaigne, editor of the *Indianapolis Star*, manifests in this book the militant spirit of a Theodore Roosevelt as an exponent and champion of America's superior might, especially on the military and industrial fronts, contrasting it with Russia's inferior power and mythical claims of power. Observing that we can destroy Russia, he accentuates the positive and insists that we utilize our national power to win the cold war and prevent a hot war. He uses strong language against the mouthing of weasel words in diplomatic high places, citing Alan Drury's satirical portrayal of peace-mongering in *Advise and Consent.* He condemns ineptness and incompetence in the conduct of American foreign affairs, with supporting reference to William Lederer and Eugene Burdick's novel, *The Ugly American.* He warns against complacent reliance on the United Nations, which, "far from being a force for world peace . . . is, in fact, a forum for war." This statement might be challenged by a number of publicists, perhaps by a reduced number because of the Khrushchev antics at the UN sessions last October. Mr. Campaigne argues that America's paramount goal in the United Nations or any other international arrangement "must be the preservation and strengthening of the United States." He rejects the assumption that foreign aid, in itself, is a valid way to win friends and combat Communism.

This work is not an objective study of international organizations and the politics of nations. It is a hortatory tract for the times. It is a sharp call for the American public to wake up from a comfortable apathy and to exercise an active concern for a *pax Americana* lest we meet collapse through civic softness and slackness of the types which presaged the termination of the great *pax Romana.* It urges that America use her great national power to preserve freedom at home and wage freedom throughout the world with a will to victory that can not fail. Of two appendixes, one is Washington's Farewell Address, and the other is Patrick Henry's impassioned speech ending with "give me liberty or give me death."—H. C. NIXON.

Politics and Trade Policy. BY JOE R. WILKINSON. (Washington: Public Affairs Press, 1960. Pp. vii. 151. $3.75.)

This little book is largely the legislative history of the Reciprocal Trade Agreements Acts, 1934 to 1958. It begins with the depression-born origins of the legislation (for "national economic recovery") and continues through its periods of changing rationale when it came to be seen as an important element in American foreign policy. In the final chapter, Dr. Wilkinson summarizes what he feels is necessary if trade policy reciprocity is to be successful in the future.

The title, *Politics and Trade Policy,* does not describe the contents. "Trade policy" covers a wide variety of subject matter—tariff rates in general, customs legislation, the "Buy American" Act, agricultural quotas, and even elements of foreign economic and military aid, to name a few which are not treated at all. There is no description of the way in which the Trade Agreements Acts function or are administered. Less than half a dozen pages are given over to "sources of liberal trade support and opposition outside the Congress," although these are important elements in understanding what takes place in Congress.

There are few areas of study that hold as much for the political scientist and behavioral theorist as do those which concern themselves with trade and tariff matters. Not only do they provide an opportunity for analyzing legislative behavior in a situation involving the break-up of ordinary party alliances, but they also bring out the extremes of interest motivation and method. On few subjects are the advocates so intense in their feelings or so determined in their approaches. It is a pity that this volume could not have shed more light on such an interesting area.—DAVID S. BROWN, *George Washington University*.

American Strategy for the Nuclear Age. BY WALTER F. HAHN and JOHN C. NEFF, editors. (New York: Doubleday and Co., Inc., 1960. Pp. 455. $1.45.)

The unifying theme of these speeches and essays is that the conflict between freedom and communism "is total, its strategy is total, it involves every facet of society and is the concern of everyone in the Free World."

A report by the Council on Foreign Relations opens the symposium. Asserting that "the United States has failed to cast its policies adequately for the long term," this selection expresses a criticism made implicitly or explicitly by all the contributors to this volume. Urgently needed, contends Robert Strausz-Hupé in the next selection, is heightened public awareness of the idea of "protracted conflict," waged over "the domination of the earth—and, now, its outer space—and over the future of human society."

Selections that follow deal with the nature of communism, its strategy and tactics, problems of military and economic strategy, and an assessment of alternatives available to the United States. The contributors represent citizen study groups, academicians, past and present governmental officials, high-ranking military leaders, prominent journalists and businessmen. As is perhaps unavoidable in any symposium, the selections differ considerably in originality and incisiveness. Some of the material presented seems elementary and unduly repetitious; the layman—for whom the book was no doubt chiefly intended—may well find some of the selections informative; others he will find highly technical.

A compendium like this perhaps deserves to be judged by different canons from those ordinarily applied in criticism of scholarly writings, since this is a kind of "call to arms," a collective pamphlet, designed to generate greater citizen awareness of the threat confronting the nation and to illuminate various facets of that threat.

Even if different standards are applied, however, the discerning reader is still left with some reservations and fundamental questions. Is it really accurate to say that the "fundamental question" before mankind today is this: "Will the globe be dominated by communism or will it, in its diverse ways, achieve freedom?" Does not this simplistic statement gloss over the many complex forces at large in world affairs that exist quite independently of—however much some may be exploited by—communism? And how is the reader to reconcile Strausz-Hupé's unqualified assertion that "the contest is over the domination of the earth" with the Council on Foreign Relations' view that the United States "has no rigid doctrine, no dreams of empire, no dynamic strategy of expansion by force and subversion"? Is it not too much to assert that the "protracted conflict" described here "encompasses all lands, all peoples, and all levels of society" and that it "cleaves all societies"?

Such thinking reflects a propensity that has too often interfered with the evolution of successful American policy in recent years: the tendency to view all international crises through the lens of the cold war. Surely it has been a step forward for American policy-makers to realize that many of the crises facing America would have existed if Marx or Lenin or Stalin had never been born; and that American strategy has been effective in many instances to the degree that it reflected this realization.

As a kind of alarm bell to jolt citizen complacency, this is a useful and generally successful contribution. Its appearance in a paperback edition will enhance its appeal to the general public. The scholar may well question its inclination to ascribe to the communist bloc a greater political acumen, rationality, and fixity of purpose than the facts often appear to warrant. He will also be troubled by the failure to identify unambiguously the nature of the threat to the free world—whether it is essentially communism as an ideology, whether it is the expansive tendencies of another great world empire, or whether it is a combination of these. Greater clarity here would seem to be indispensable to the formulation of an effective free world counter-strategy to deal successfully with the threat before it.—CECIL V. CRABB, *Vassar College*.

American Foreign Policy in the Nuclear Age. BY CECIL V. CRABB, JR. (Evanston: Row Peterson and Company. 1960. Pp. xii, 532.)

While this book should prove to be a valuable text for teachers and students of United States foreign policy, its terse analyses of many significant post-war problems should be useful also in international relations courses. Having successfully met the challenge of Vassar undergraduates, the contents and method of presentation have likewise benefited from the author's associations and discussions with State Department and Congressional officials.

The material covered falls into three categories. The first two and the last chapters not only sketch in broad outline certain aspects of American foreign policy in terms of principles, objectives and national power components but also examine questions fundamental to the study of foreign policy in general, among them, the interrelation of ends and means, the underlying importance of security, and the essential difference of power as organized within the state and as unorganized in the international sphere. The book's final chapter, entitled "The Guiding Principles of American Foreign Policy," is actually an analysis of the realist-idealist debate, which, if it adds little that is new, is nevertheless penetrating. The material would, in this reviewer's opinion, have appropriately constituted chapter three inasmuch as the debate proceeds on arguments which need to be borne in mind during, not after, examination of national policy.

Five chapters are devoted to the mechanism of American foreign policy formulation. Accenting what he terms "the distinction between constitutional appearance and reality," the author succeeds in giving within relatively brief scope a clear indication of the powers and responsibilities of the President, the part played by executive agencies both civil and military, and the expanded role of Congress in foreign affairs. Executive-legislative relations and bipartisanship receive special attention. In examining the impact of public opinion on decision making the author acknowledges the obligation of statesmen to lead and educate public opinion as well as to heed it, an admonition not always remembered in other chapters where the definitive comment in assessing policy positions is frequently their attribution to the views of "the American people."

The bulk of the book is given over to the substance of United States foreign policy. Problems in each of four regions (Western Europe, the Middle East and Africa, the Western Hemisphere and Asia) are among those analyzed in the historical perspective of post-World War II developments. The topical-analytical approach deserves commendation and succeeds conspicuously in overcoming the chronological banalities characteristic of many studies of American foreign policy. In certain instances, however, the topics selected and the emphasis given them are open to question. A striking example is inclusion of only E.D.C. and W.E.U. in the discussion of the political unification of Western Europe. Examination of the three European Communities (Coal and Steel, Economic and Atomic) under the heading "European Economic Integration" distorts the fact that their basic long-run objective is political union among participating states.

Attention to certain functional problems facing U. S. policy makers adds to the usefulness of the book. Emphasis is appropriately placed on problems that have come to the fore in the post-war era, such as psychological warfare and foreign aid, and on such long continuing problems as the search for world peace and disarmament, in grappling with which the United States has assumed a new leadership in this period. Since these are vast problems, rather sketchy consideration is to be expected when so many are treated. At the same time considerable material that is not American policy has been included but perhaps this is inevitable in a book of this type. The essentials of the U. S. position nevertheless stand out. To this reviewer a closer tie-in with the problem of security would have given greater realism and validity to the discussion of disarmament.

Examination of American policy concerning these selected regional and functional problems has been wisely prefaced by two chapters on the cold war, insight into which is fundamental to an understanding of most other aspects of contemporary international relations. If the discussion of Russian foreign policy and Russian-American relations preceding World War II appears somewhat excessive, the balance is redressed by an able analysis of the goals and tactics of the world communist movement and by an effectively presented comparison of the relative strengths and weaknesses, economic and military, of the communist bloc and the U. S.-headed coalition.

References at the conclusion of each chapter and a substantial but interestingly presented supplementary bibliography are well chosen and should enhance the utility of this book for most readers.—Ruth C. Lawson, *Mt. Holyoke College.*

Politics and Culture in International History. By Adda B. Bozeman. (Princeton: Princeton University Press, 1960. Pp. xiii, 560. $10.00.)

If an antidote is needed to correct the contemporary-mindedness in the present day study of international relations, *Politics and Culture in International History* is now the strong medicine on the market. The book is an interpretative cultural history concentrating on the traditions, ideas, and organizational arrangements employed long ago in the high civilizations in their dealings with foreign peoples and polities. The closing date of the account is about 1500 A.D. Professor Bozeman's interests are not antiquarian, however. She takes the long view of history to explain that the modern Western world, imagining that its values and practices in international affairs had universal validity, attempted to impose its ways and traditions on the non-Western world between the sixteenth and twentieth centuries. Contemporary developments in world affairs have become a major challenge to this pattern. The newly established nation-states in Asia and Africa are self-consciously reviving ancient doctrines and traditions which once guided international conduct in the culture worlds of China, India, Islam, and the classical and medieval realms of the Mediterranean basin. The rising importance of these nations gives new relevance to traditional ideas and practices and one must go back in history before 1500 A.D. to discover the older ways of international relations. Hence, one needs to consider the sweep of international history to arrive at an estimate of the future in such matters as war, peace, nationalism, international and transnational organization, relations of East and West, and the other common concerns of contemporary international relations.

The author's preconceptions are that the transmission and continuity of tradition across the span of centuries remain potent and that the impact of Western culture on Asia and Africa has not been as definitive and completely transforming as has sometimes been thought. The book stops short before the puzzling question of what has really taken place in the mixing and mingling of the modern and the traditional, of the old and the new, and of the West and the East. It attempts only to show a panoramic view of what existed before the modern era and, in particular, how the Western world came by its own peculiar versions of the relations between peoples and between states. It is interesting to be brought to the idea that we can study the Council of Constance, Hohenstauffen Sicily, and the Hanseatic League in order to understand the current Western concepts of international politics and international organization.

Many historians, some political theorists, and a few professional students of international relations will find that they already know more than is discussed on the interstate relations of traditional China, India, Islam, or ancient and medieval Europe. But because the book has behind it an immense amount of reading from a very wide array of specialized studies, any reader is almost certain to find interesting observations and fresh information. This reviewer, for example, found the comparisons and descriptions of the medieval connections between Byzantium and Russia and between Byzantium and Venice with regard to the traditions of statecraft in foreign relations to be most instructive. One learns that the term "cold war" (*guerra fria*) was used in the thirteenth century by a Spanish writer, Don Juan Manuel, to characterize the conflict then going on between Islam and Christendom.

Politics and Culture in International History is a sturdy work of historical synthesis bearing on international relations. Except for the reminder contained in its central theme that there are important influences in current non-Western conceptions of international relations, arising from the ancient roots of traditional cultures and empires, the American political scientist whose special interest is international relations probably will not find much that is centrally pertinent to his work. Bozeman's method and writing style require both leisure and patience to extract the meanings. Students probably will be referred still to Russell's *Theories of International Relations* and Wright's *A Study of War* for surveys of thought and practice in international relations. Professor Bozeman's work, notwithstanding, is obviously a work of love and a fresh contribution to the literature of the field.—CHARLES A. McCLELLAND, *San Francisco State College.*

SELECTED ARTICLES AND DOCUMENTS ON
INTERNATIONAL LAW AND RELATIONS

WILLIAM H. ROBERTS
Catholic University of America

ARTICLES

International Politics and National Policies

General

Bloomfield, L. P. Toward a More Lawful World—Hopes and Hazards. *Proceedings* of the American Society of International Law, 1960.

———. Political Gaming. *U. S. Naval Institute Proceedings*. September, 1960.

Capron, J. L. Stratégie Occidentale Face au Communisme. *Revue Militaire Générale*. October, 1960.

Doty, P. The Role of the Smaller Powers. *Daedalus*. Fall, 1960.

Eden, A. The Slender Margin of Safety. *Foreign Affairs*. January, 1961.

Efimenco, N. M. Categories of International Integration. *India Quarterly*. July–September, 1960.

Enos, R. L. Who is the Enemy? *U. S. Naval Institute Proceedings*. November, 1960.

Fagen, R. R. Some Assessments and Uses of Public Opinion in Diplomacy. *Public Opinion Quarterly*. Fall, 1960.

Fromm, E. The Case for Unilateral Disarmament. *Daedalus*. Fall, 1960.

Geneste, M. E. Danger from Below. *U. S. Naval Institute Proceedings*. November, 1960.

Gray, J. G. The Chances of War. *Bulletin of the Atomic Scientists.* October, 1960.

Hargreaves, R. The Disarmament Myth. *Ordnance.* September–October, 1960.

Labin, S. Les Leçons de Paris, Tokio et Genève. *Revue Militaire Générale.* October, 1960.

Lange, M. G. Zur Problematik der Coexistenz. *Neue Gesellschaft.* September, 1960.

Lindsay, F. A. Planning in Foreign Affairs: the Missing Element. *Foreign Affairs.* January, 1961.

McClosky, H. Perspectives on Personality and Foreign Policy. *World Politics.* October, 1960.

Morgan, G. A. Planning in Foreign Affairs: the State of the Art. *Foreign Affairs.* January, 1961.

Perkins, D. Peace and Armament. *Virginia Quarterly Review.* Autumn, 1960.

Plamenatz, J. P. What Principles Should Guide us in Seeking to Influence Foreign Governments and Peoples? New York, 1960.

Roberts, W. H. The Nature of Contemporary Conflict. *Yearbook of World Polity,* 1960.

Royer, M. Action Internationale et Sous-Développement. Paris, Recueil Sirey, 1960.

Santamaria, C. In Search of a Concept of Peace. *World Justice.* September, 1960.

Schram, S. R. Communisme et Nationalisme dans les Pays Sous-Développés. Paris, Centre d'Études des Relations Internationales, 1960.

Templin, R. Africa and the Americas: World History in the Making. *Journal of Human Relations.* Autumn, 1960.

Thompson, K. W. Moral Purpose in Foreign Policy: Realities and Illusions. *Social Research.* Autumn, 1960.

The Under-Developed Countries. *British Survey.* August, 1960.

U-2 and Open Skies. New York, International Review Service, 1960.

Waters, M. The *Ad Hoc* Diplomat: a Legal and Historical Analysis. *Wayne Law Review.* Summer, 1960.

Wilcox, F. O. Disarmament—the Problem and Perspectives. *Proceedings* of the American Society of International Law, 1960.

Military and Functional Questions

Bjelajac, S. N. Unconventional Warfare in the Nuclear Era. *Orbis.* Fall, 1960.

Böhn, L. Meet the Minutemen on NATO's Northern Flank. *Military Review.* September, 1960.

Bowie, R. R. Basic Requirements for Arms Control. *Daedalus.* Fall, 1960.

Brennan, D. G. Setting and Goals of Arms Control. *Daedalus.* Fall, 1960.

Disarmament: a Bibliographic Record, 1916–1960. Washington, Department of the Army, Army Library, 1960.

Disarmament—Comparison of Soviet and Western Proposals. *Bulletin of the Atomic Scientists.* October, 1960.

Dougherty, J. E. Key to Security: Disarmament or Arms Stability. *Orbis.* Fall, 1960.

Feld, B. T. Inspection Techniques of Arms Control. *Daedalus.* Fall, 1960.

Fox, W. T. R. Political and Diplomatic Prerequisites of Arms Control. *Daedalus.* Fall, 1960.

Frye, W. R. Characteristics of Recent Arms-Control Proposals and Agreements. *Daedalus.* Fall, 1960.

The Future of Western Deterrent Power: Symposium. *Bulletin of the Atomic Scientists.* September, 1960.

Gehron, W. J. Geneva Conference on the Discontinuance of Nuclear Weapon Tests. *Department of State Bulletin.* September 26, 1960.

Genevey, P. Le Désarmement Après l'Échec de la Conférence des Dix. *Revue de Défense Nationale.* October, 1960.

Gray, J. G. The Chances of War. *Bulletin of the Atomic Scientists.* October, 1960.

Iklé, F. C. After Detection—What? *Foreign Affairs.* January, 1961.

Kahn, H. The Arms Race and Some of its Hazards. *Daedalus.* Fall, 1960.

Lecoq, L. Guerre et Énergie. *Revue Militaire d'Information.* July, 1960.

McIntyre, G. W. The Mutual Weapons Development Program. *Military Review.* November, 1960.

The Nature and Feasibility of Thermonuclear War. Washington, National War College, 1960.

Nuclear Weapons Test Ban Negotiations. *Bulletin of the Atomic Scientists.* October, 1960.

Radford, A. W. Military Policy in an Unstable Peace. *General Electric Defense Quarterly.* July–September, 1960.

Rhymes, C. D., Jr. Balanced Sea Power and Cold War. *U. S. Naval Institute Proceedings.* September, 1960.

Rigg, R. B. Twilight War. *Military Review.* November, 1960.

Rowse, A. E. Foreign Bases: Declining Asset. *Editorial Research Reports.* September 14, 1960.

Schelling, T. C. Reciprocal Measures for Arms Stabilization. *Daedalus.* Fall, 1960.

———. Arms Control: Proposal for a Special Surveillance Force. *World Politics.* October, 1960.

Shanley, T. J. B. Non-Nuclear NATO Army. *Army.* December, 1960.

Strengthening the Government for Arms Control. Washington, National Planning Association, 1960.

Teller, E. The Feasibility of Arms Control and the Principle of Openness. *Daedalus.* Fall, 1960.

Vas, E. A. Conflicting policies in a Thermonuclear Age. *U. S. I. Journal.* January–March, 1960.

Wiesner, J. B. Comprehensive Arms-Limitation Systems. *Daedalus.* Fall, 1960.

Wise, S. F. Balance of Nuclear Terror. *Queen's Quarterly.* Autumn, 1960.

Wright, C. Selected Critical Bibliography on Disarmament. *Daedalus.* Fall, 1960.

United States

Berle, A. A., Jr. The Cuban Crisis: Failure of American Foreign Policy. *Foreign Affairs.* October, 1960.

Boulding, K. E. The Domestic Implications of Arms Control. *Daedalus.* Fall, 1960.

Clift, V. A. The Challenge of Change for Strengthening American Prestige. *Journal of Human Relations.* Autumn, 1960.

Davis, S. R. Recent Policy Making in the United States Government. *Daedalus.* Fall, 1960.

Halperin, M. Is the Senate's Foreign Relations Research Worthwhile? *American Behavioral Scientist.* September, 1960.

Hayoul, M. American Foreign Policy: a European Catholic View. *Cross Currents.* Fall, 1960.

Hulsey, R. H. The Cuban Revolution: its Impact on American Foreign Policy. *Journal of International Affairs.* No. 2, 1960.

Mann, T. C. The Democratic Ideal in the Latin American Policy of the United States. *Department of State Bulletin.* November 28, 1960.

Nitze, P. Political Aspects of a National Strategy. *Survival.* November–December, 1960.

Knauth, O. D. U. S. Foreign Policy in a Changing World. Washington, National Planning Association, 1960.

Marshall, C. B. Foreign Policy: the Things to be Done. Washington, Washington Center of Foreign Policy Research, 1960.

Pickles, D. Franco-American Attitudes. *Listener.* December 1, 1960.

Platig, E. R. The United States and the Soviet Challenge. Chicago, Science Research Associates, 1960.

Sanders, R. Nuclear Dynamite: a New Dimension in Foreign Policy. *Orbis.* Fall, 1960.

Scalapino, R. A. What Should the U. S. do about Taiwan? *Foreign Policy Bulletin.* November 15, 1960.

Schoenthal, K. Der Innere Kampf um Amerikas Auslandhilfe. *Aussenpolitik.* September, 1960.

Taylor, M. D. Security Will not Wait. *Foreign Affairs.* January, 1961.

U. S. Foreign Policy Goals: What Experts Propose. New York, Foreign Policy Association, 1960 (Headline Series No. 142).

Van Essen, M. The United States Department of State and Africa. *Journal of Human Relations.* Spring and Summer, 1960.

Vernon, R. Die Vereinigten Staaten und die Europäischen Handelsblöcke: der Künftige Weg. *Europa Archiv.* September 5, 1960.

Watson, M. S. The United States and Armaments. New York, Foreign Policy Association, 1960 (Headline Series No. 143)

Wright, T. P., Jr. The United States and Latin American Dictatorship: the Case of the Dominican Republic. *Journal of International Affairs.* 1960.

Canada

Anglin, D. G. Towards a Canadian Policy on Africa. *International Journal.* Autumn, 1960.

Caves, R. E. United States-Canadian Economic Relations: the Search for a Home-Owned Soul. *Journal of International Affairs. No. 2*, 1960.

Spencer, R. A. Parliament and Foreign Policy, 1960. *International Journal.* Autumn, 1960.

Will, R. M. Economic Aspects of Canadian-Latin American Relations. *International Journal.* Autumn, 1960.

Latin America

Felix, D. United States Investment in Latin America: Problems and Prospects. *Journal of International Affairs.* 1960.

Godoy, H. H. International Law and the New Political Movements in Latin America. *Proceedings* of the American Society of International Law, 1960.

Harbron, J. D. Crisis and Change in Latin America. Toronto, Canadian Institute of International Affairs, 1960.

Herrera, F. The Inter-American Development Bank. *Social Science.* October, 1960.

Martinez, O. Panama—Another Suez? *Contemporary Review.* October, 1960.

Mattfeldt, R. Monroe-Doktrin, Kuba und OAS. *Aussenpolitik.* October, 1960.

Mezerik, A. G. Cuba and the United States: Record of Revolution, USSR-China, UN and OAS Action. New York, International Review Service, 1960.

Morales, C. J. Trade Liberalization and Economic Integration in Latin America. *Social Science.* October, 1960.

Perkins, D. Cuba and the Monroe Doctrine. *Foreign Policy Bulletin.* September 1, 1960.

Torres, J. G. The Latin-American Free Trade Zone. *Journal of Inter-American Studies.* October, 1960.

United Kingdom

Uphill to Cairo. *Economist.* September 24, 1960.

Watt, D. C. New Threats to Britain's Strategic Position in West Asia, Aden and Somalia. *International Relations.* October, 1960.

Western Europe

Cagle, M. W. The Strategic Danish Straits. *U. S. Naval Institute Proceedings.* October, 1960.

Delmas, C. La "Force de Frappe" Nationale: les

Données du Problème. *Revue de Défense Nationale.* October, 1960.

Fontaine, A. Frankreich in der Neuen Phase des Kalten Krieges. *Aussenpolitik.* September, 1960.

———. De Gaulle und Europa. *Dokumente.* October, 1960.

Frei, R. Swiss Aid to Underdeveloped Countires. *Swiss Review of World Affairs.* October, 1960.

Kelly, G. A. The Political Background of the French A-Bomb. *Orbis.* Fall, 1960.

Kitzinger, U. The New France in the New Europe. *World Today.* October, 1960.

Macridis, R. C. De Gaulle's Foreign Policy and the Fifth Republic. *Yale Review.* Winter, 1961.

Müller, A. De Gaulle and the Western Alliance. *Swiss Review of World Affairs.* October, 1960.

Valluy, G. Se Défendre? Contre Qui? Pourquoi? Comment? *Revue de Défense Nationale.* November, 1960.

Vernant, J. La France et l'O.N.U. en 1960. *Revue de Défense Nationale.* November, 1960.

Wigny, P. Role of Small and Middle-Sized Powers. *Vital Speeches of the Day.* November 15, 1960.

Central Europe

Bechtoldt, H. Germany and the Common Market. *India Quarterly* July–September, 1960.

Brandt, W. The Means Short of War. *Foreign Affairs.* January, 1961.

Jahn, H. E. Der Deutsch-Polnische Grenzstreit "Oder-Neisse Linie". *Revue Militaire Générale.* November, 1960.

Mason, J. B. Next Steps in West Berlin. *Foreign Policy Bulletin.* November 1, 1960.

Stolper, W. F. Germany between East and West. Washington, National Planning Association, 1960.

Weichert, J. C. Der Ausschuss für Auswärtige Angelegnheiten. *Aussenpolitik.* September, 1960.

Wiskemann, E. Berlin between East and West. *World Today.* November, 1960.

Soviet Union and Eastern Europe

Billerbeck, K. Soviet Bloc Foreign Aid to the Underdeveloped Countries. Hamburg, Archives of World Economy, 1960.

Blumenfeld, F. Y. Russia and Red China. *Editorial Research Reports.* October 5, 1960.

Bräker, H. Die Anwendbarkeit des Sowjetischen Wirtschaftssystems auf die Entwicklungsländer. *Europa Archiv.* October 20, 1960.

Brzezinski, Z. Patterns and Limits of the Sino-Soviet Dispute. *Problems of Communism.* September–October, 1960.

Cattell, D. T. The Politics of the Danube Commission under Soviet Control. *American Slavic and East European Review.* October, 1960.

Chambre, H. Aid from East Bloc Countries to the Underdeveloped Countries. *World Justice.* September, 1960.

Chamberlin, W. H. Russia between East and West. *Russian Review.* October, 1960.

Communism's Unbridged Rift. *Economist.* October 8, 1960.

Dupont, C. The Yugoslav Economic System and Instruments of Yugoslav Economic Policy: a Note. *International Monetary Fund Staff Papers.* November, 1960.

Economic Cooperation and Mutual Assistance between the Soviet Union and the European Peoples' Democracies. New York, U. S. Joint Publications Research Service, 1960.

Eisendrath, E. Das Bevölkerungspotential der Sowjetunion. Berlin, Deutsches Institut für Wirtschaftsforschung, 1960.

Eitner, H. J. Sowjetarmee in der Umrüstung. *Politische Studien.* August, 1960.

Fernbach, A. P. Soviet Coexistence Strategy. Washington, Public Affairs Press, 1960.

Fischer, L. The Russian Bear and the Chinese Tiger. *Virginia Quarterly Review.* Autumn, 1960.

Florinsky, M. T. Russian Industrial Growth and Coexistence. *Current History.* November, 1960.

Garthoff, R. L. The Soviet Challenge. *Army.* September, 1960.

Ginsburgs, G. Neutrality and Neutralism and the Tactics of Soviet Diplomacy. *American Slavic and East European Review.* December, 1960.

Hayit, B. Turkestan in der Sowjetischen. Aussenpolitik. *Osteuropa.* October, 1960.

Hudson, G. F. Russia and China: the Dilemmas of Power. *Foreign Affairs.* October, 1960.

Kashin, A. New Soviet Polemics with Communist China. *Bulletin of the Institute for the Study of the USSR.* August, 1960.

Kozhevnikov, F. I. Certain Juridical Questions among the Activities of the International Court during 1959—USSR. New York, U. S. Joint Publications Research Service, 1960.

Lubrano-Lavadera, C. La Conception Soviétique de la "Coopération Socialiste." *Revue de Défense Nationale.* October, 1960.

McLane, C. B. Russia and the 'East': a Forty Year Perspective. *International Journal.* Autumn, 1960.

Metaxas, A. The Soviet Union and Foreign Policy. *Listener.* September 8, 1960.

N. B. Espionage: as an Instrument of Communist Policy. *British Survey.* July, 1960.

Pruck, E. Wehrpolitische Vorgänge in der Sowjetunion. *Osteuropa.* August, 1960.

Ray, H. Moskau's Politik mit Indien und China. *Aussenpolitik.* September, 1960.

Revisionism, Reformism, Orthodoxy—a Report on Marxism East and West. Symposium. *Soviet Survey*. August, 1960.

Richards, E. B. *Pravda* and *Izvestia* Look at Korea. *Southwestern Social Science Quarterly*. September, 1960.

Russia Looks at Africa. London, Central Asian Centre, 1960.

Soviet Aid to Underdeveloped Countries. *Eastern World*. December, 1960.

Stackelberg, G. A. Soviet African Studies as a Weapon of Soviet Policy. *Bulletin of the Institute for the Study of the USSR*. September, 1960.

Stehlin, P. Réflexions sur la Stratégie Soviétique a l'Égard de l'Europe. *Revue Militaire Générale*. November, 1960.

Stolte, S. C. The Soviet Union, Communist China, and the Underdeveloped Countries. *Bulletin of the Institute for the Study of the USSR*. August, 1960.

Turkestan und der Orient Düsseldorf, Forschungsdienst Osteuropa, 1960.

Von Gajzago, O. Der Sowjetische Aussenhandel mit den Industrieländern. Berlin, Deutsches Institut für Wirtschaftsforschung, 1960.

Yermashov, I. The Doctrine of "Acceptable War"—Illusions and Reality. *International Affairs* (Moscow). November, 1960.

Yuryev, A. Espionage and Diplomacy. *International Affairs* (Moscow). November, 1960.

Zhukov, G. Space Espionage Plans and International Law. *International Affairs* (Moscow). October, 1960.

Middle East and Africa

African Affairs at Westminster. *African Affairs*. October, 1960.

The Anglo-Somali Conference. *African Affairs*. October, 1960.

Allard, T. H. Praktische Entwicklungsarbeit in Afrika. *Aussenpolitik*. October, 1960.

Bielfeldt, H. Aufgaben des Westens in Afrika. *Aussenpolitik*. September, 1960.

Carrington, C. E. Frontiers in Africa. *International Affairs* (London). October, 1960.

Chidzero, B. T. G. African Nationalism in East and Central Africa. *International Affairs* (London). October, 1960.

Frankel, S. H. Economic Aspects of Political Independence in Africa. *International Affairs* (London). October, 1960.

Froelich, J. C. La Situation Politique Actuelle de l'Afrique d'Expression Française. *Revue de Défense Nationale*. November, 1960.

Garnick, D. H. On the Economic Feasibility of a Middle Eastern Common Market. *Middle East Journal*. Summer, 1960.

Gomes de Araujo, M. L'Afrique dans la Compétition Est-Ouest. *Revue Militaire Générale*. October, 1960.

Iskandar, M. Arab Boycott of Israel. *Middle East Forum*. October, 1960.

Jones, S. S. America's Role in the Middle East. Chicago, Science Research Associates, 1958.

Logan, R. F. South West Africa. *Focus*. November, 1960.

Mangin, G. Judicial Problems in the "Communauté" in Africa. *Journal of the International Commission of Jurists*. Winter, 1959.

Marshall, B. International Law and Politics in French Africa. *Proceedings* of the American Society of International Law, 1960.

Miksche, F. O. Pseudonationalismus aus Schwarzafrika. *Aussenpolitik*. November, 1960.

Moussa, F. Le Service Diplomatique des États Arabes. Geneva, L'Institut Universitaire de Hautes Études Internationales, 1960.

Nan, C. Domestic and Foreign Policy of Iraq. New York, U. S. Joint Publications Research Service, 1960.

The Security Council and the Congo Crisis. *United Nations Review*. October, 1960.

Shwadran, B. Middle East Oil in 1959. *Middle Eastern Affairs*. August–September, 1960.

Von Stockhausen, H.-W. Misglückte Entwicklungshilfe in Afghanistan. *Aussenpolitik*. November, 1960.

Zartman, I. W. Communist China and the Arab-African Area. *U. S. Naval Institute Proceedings*. September, 1960.

South and Southeast Asia

Appadorai, A. On Understanding Indian Foreign Policy. *International Relations*. October, 1960.

Armstrong, J. P. Southeast Asia and American Policy. Chicago, Science Research Associates, 1959.

Books on South East Asia: A Selected Bibliography. New York, American Institute of Pacific Relations, 1960.

Brissenden, R. India and the Northern Frontier. *Australian Outlook*. April, 1960.

Ginsburgs, G. Peking—Lhasa—New Delhi. *Political Science Quarterly*. September, 1960.

Green, L. C. Legal Aspects of the Sino-Indian Border Dispute. *China Quarterly*. July–September, 1960.

Harney, R. M. The Foreign Policy of Ceylon under Two Premiers. *Australian Outlook*. April, 1960.

India and the World. *Indian Foreign Affairs*. August, 1960.

Indus Water Treaty. Eastern World. November, 1960.

Lamb, A. The Indo-Tibetan Border. *Australian Journal of Politics and History*. May, 1960.

Rajan, M. S. Indian Foreign Policy in Action, 1954–1956. *India Quarterly.* July-September, 1960.

Venkataramani, M. S. The U. S. Senate Committee on Foreign Relations and India, 1958–1959 *India Quarterly.* January-March, 1960.

Far East and Pacific

Barnett, A. D. The Inclusion of Communist China in an Arms-Control Program. *Deadalus.* Fall, 1960.

Boyd, R. G. China's Relations with Japan. *Australian Outlook.* April, 1960.

Field, A. R. Strategic Development in Sinkiang. *Foreign Affairs.* January, 1961.

Fukuda, K. Japanese Intellectuals Discuss American-Japanese Relations. *Far Eastern Survey.* October, 1960.

Glaser, H. G. Die Verstärkte Politische Aktivität Pekings in Lateinamerika, Afrika und Asien. *Europa Archiv.* October 20, 1960.

Halpern, A. M. Communist China and Peaceful Coexistence. *China Quarterly.* July-September, 1960.

Ikeda, H. Japan's Share in Economic Co-Operation. *Contemporary Japan.* August, 1959.

Japan-U. S. Amity and Trade Centennial Edition. *Contemporary Japan.* May, 1960.

Kinderman, G. K. Peking und Taipeh in der Weltpolitik. *Europa Archiv.* September 5, 1960.

Levi, W. China and the Two Great Powers. *Current History.* December, 1960.

Mende, T. La Chine et son Ombre (I). *Revue de Défense Nationale.* November, 1960.

Modelski, G. Australia and SEATO. *International Organization.* Summer, 1960.

Padelford, N. J. Collective Security in the Pacific: Nine Years of the ANZUS Pact. *U. S. Naval Institute Proceedings.* September, 1960.

Roll, C. Die Filipinos Blicken Mehr Nach Asien. *Aussenpolitik.* August, 1960.

Reischauer, E. O. The Broken Dialogue with Japan. *Foreign Affairs.* October, 1960.

Schneider, F. La Stratégie Révolutionnaire de Mao Tse Toung. *Revue de Défense Nationale.* October, 1960.

Sino-Guinean Relations. *Peking Review.* September 14, 1960.

Smythe, H. H. Japan-America Relations. *Eastern World.* December, 1960.

Vandenbosch, A. Chinese Communism for Export. *Current History.* December, 1960.

Whiting, A. S. Sinkiang and Sino-Soviet Relations. *China Quarterly.* July-September, 1960.

International Economic Policy and Relations

Bailey, C. M. Foreign Competition: GATT—the International Game of Trades and Tariffs. *Vital Speeches of the Day.* November 15, 1960.

Becker, A. S. Comparison of United States and USSR National Output. *World Politics.* October, 1960.

Grünig, F. Die Makroökonomischen Determinanten des Wirtschaftspotentials. Berlin, Deutsches Institut für Wirtschaftsforschung, 1960.

Neal, A. C. New Economic Policies for the West. *Foreign Affairs.* January, 1961.

Schönsee, G. Kapitalquellen Westlicher Entwicklungshilfe. *Aussenpolitik.* October, 1960.

Some Techniques of Development Lending. Washington, International Bank for Reconstruction and Development, 1960.

Van der Lee, J. J. European Common Market and Africa. *World Today.* September, 1960.

International Law

Abi-Saab, G. M. The Newly Independent States and the Scope of Domestic Jurisdiction. *Proceedings* of the American Society of International Law, 1960.

Arndt, J. D. International Court of Justice—Legal Effect, Constitutional and International, of the Connally Reservation. *University of Kansas City Law Review.* Winter 1959–1960.

Barnes, W. H., III. Submarine Warfare and International Law. *Yearbook of World Polity,* 1960.

Bowett, D. W. The Second United Nations Conference on the Law of the Sea. *International and Comparative Law Quarterly.* July, 1960.

Christol, C. Q. The Jurisdiction of the International Court of Justice. *Southern California Law Review.* Summer. 1960.

Franklin, C. M. The Law of the Sea: Some Recent Developments. *Southern California Law Review.* Summer, 1960.

Fuller, L. L. Adjudication and the Rule of Law. *Proceedings of the American Society of International Law,* 1960.

Gutteridge, J. A. C. The 1958 Geneva Conventions on the Continental Shelf. *British Yearbook of International Law,* 1959.

Haley, A. G. The Law of Space and Outer Space. *Southern California Law Review.* Summer, 1960.

Hanessian, J. The Antarctic Treaty 1959. *International and Comparative Law Quarterly.* July, 1960.

Johnson, D. H. N. The Conclusions of International Conferences. *British Yearbook of International Law,* 1959.

Leguey-Feilleux, J.-R. The Law of War: a Bibliography, 1945–1958. *Yearbook of World Polity,* 1960.

Leyser, J. Indonesia's Nationalisation of Dutch Enterprises and International Law. *Australian Outlook.* August, 1960.

Metzger, S. D. Regional Markets and International Law. *Proceedings* of the American Society of International Law, 1960.

Mosler, H. Organisation und Verfahren des Europäischen Gerichtshofs für Menschenrechte. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* August, 1960.

O'Brien, W. V. Legitimate Military Necessity in Nuclear War. *Yearbook of World Polity,* 1960.

O'Connell, D. P. International Law and Boundary Disputes. *Proceedings* of the American Society of International Law, 1960.

Paradise, R. R. The Hague Academy of International Law. *Oklahoma Law Review.* August, 1960.

Pound, R. A World Legal Order. Medford, Fletcher School of Law and Diplomacy, 1960.

Puente, E. J. Funciones Administrativas y Diplomático-Políticas del Secretario de las Naciones Unidas según la Carta y la Práctica de la Organización. *Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht.* August, 1960.

Role of Non-Governmental Groups in the Development of International Law. Symposium. *Proceedings* of the American Society of International Law, 1960.

Stone, J. *Non Liquet* and the Function of Law in the International Community. *British Yearbook of International Law,* 1959.

Wadsworth, L. W. The Changing Concept of the Territorial Seas. *World Affairs.* Fall, 1960.

International Organization

United Nations and Specialized Agencies

Aaronson, M. Some Procedural Aspects of Article 2(7). *International Relations.* October, 1960.

Brügel, J. W. Das Treuhandschaftssystem der Vereinten Nationen (1945–1960). *Europa Archiv.* November 20, 1960.

Cohen, A. The New Africa and the United Nations. *International Affairs* (London). October, 1960.

Five Year Perspective, 1960–1964: Consolidated Report on the Appraisals of the Scope, Trend and Costs of the Programs of the United Nations, ILO, etc., in the Economic, Social, and Human Rights Fields. Geneva, UN, Department of Economic and Social Affairs, 1960.

Jacobson, H. K. The USSR and ILO. *International Organization.* Summer, 1960.

Padelford, N. J. Politics and Change in the Security Council. *International Organization.* Summer, 1960.

Sottile, A. L'Organisation des Nations-Unies. *Revue de Droit International.* July-September, 1960.

Trusteeship Council and New Guinea. *United Nations Review.* September, 1960.

UN Heads and Tails. *Economist.* September 10, 1960.

The United Nations and the Troubled Congo. *United Nations Review.* September, 1960.

Whitney, T. P. Mr. K. and the United Nations. *Foreign Policy Bulletin.* November 15, 1960.

Yoon, Y. K. United Nations Participation in Korean Affairs: 1947–1951. *Korean Quarterly,* Spring, 1960.

Regional and Collective Security Organizations

Baumann, C. E. Political Co-Operation in NATO. Madison, National Security Studies Group, University of Wisconsin, 1960.

Berg, F. Möglichkeiten und Grenzen der Wirtschaftlichen Integration Europas. *Europa Archiv.* November 5, 1960.

Brugmans, H. Is European Federalism a Factor for World Peace? *World Justice.* September, 1960.

———. Betrachtungen eines Historikers zur Europäischen Integration. *Dokumente.* October, 1960.

Connell-Smith, G. The Organization of American States. *World Today.* October, 1960.

Daussin, A. Ein Europäischer Öffentlicher Dienst. *Europa Archiv.* November 5, 1960.

Gallois, P. M. New Teeth for NATO. *Foreign Affairs.* October, 1960.

Jamison, E. A. The Unifying Factor of Pan-Americanism. *Colorado Quarterly.* Autumn, 1960.

Mason, H. L. The Assembly of the Western European Union and European Defense. *Internationale Spectator.* November 8, 1960.

Röpke, W. Die Wirtschaftliche Integration Europas. *Wissenschaft und Weltbild.* June, 1960.

Stein, E. The Common Market and the Free Trade Areas as Examples of Economic Regionalism. *Proceedings* of the American Society of International Law, 1960.

Vouthier, C. Pour une Nouvelle O.T.A.N. *Revue Militaire Générale.* November, 1960.

DOCUMENTS

General and Miscellaneous

Congo. Le Congo Belge. Brussels, L'Office de l'Information et des Relations Publiques pour le Congo Belge, 1959.

Council of Europe. Ten Years of the Council of Europe. Strasbourg, 1960.

United Kingdom. British Information Services. Reference Division. Investment in Progress: Britain's Contribution to Overseas Development. London, 1960.

———. Central Office of Information. Reference Division. The General Agreement of Tariffs and Trade (GATT). London, H.M.O., 1960.

———. ———. ———. United Kingdom External Trade and Payments 1960. London, H.M.O., 1960.

———. Foreign Office. Agreement between the Governments of the United Kingdom . . . and the United States of America for the Establishment of the Caribbean Organization, with the Annexed Statute of the Organization. Washington, June 21, 1960. (Cmd. 1144).

———. ———. Verbatim Records of the Meetings of the Ten-Power Disarmament Committee Held at the Palais des Nations, Geneva, March 15–April 29, 1960 and June 7-June 27, 1960 (1st-48th Meetings). (Cmd. 1152).

United States

Unless otherwise indicated, all entries under this heading bear the imprint: "Washington, Government Printing Office."

Congress

House. United States Defense Policies in 1959. 86th Cong., 2nd sess. (Doc. No. 432).

———. Committee on Foreign Affairs. Survey of Activities of the Committee on . . . January 7, 1959-September 1, 1960. 86th Cong., 2nd sess.

———. ———. Subcommittee on Africa. Briefing on Africa. Hearings. January 20 . . . May 16, 1960. 86th Cong., 2nd sess.

———. Committee on Science and Astronautics. The Practical Value of Space Exploration. (Rep. No. 2091). 86th Cong., 2nd sess.

———. ———. Space, Missiles and the Nation. Report (Rep. No. 2092). 86th Cong., 2nd sess.

Senate. Exports and Imports and the U. S. Balance of International Payments. (Doc. No. 105). 86th Cong., 2nd sess.

———. Committee on Aeronautics and Space Sciences. Policy Planning for Space Telecommunications. Staff Report. 86th Cong., 2nd sess.

———. ———. NASA Authorization Subcommittee. NASA Authorization for Fiscal Year 1961. Hearings. March 28–30, 1960. 86th Cong., 2nd sess.

———. ———. ———. NASA Authorization for Fiscal Year 1961. Report. (Report No. 1300). 86th Cong., 2nd sess.

———. Committee on Armed Services. Preparedness Investigating Subcommittee. Missiles, Space, and Other Major Defense Matters. Hearings. February 2 . . . March 16, 1960. 86th Cong., 2nd sess.

———. Committee on Foreign Relations. Administration of the Department of State. (Committee Print). 86th Cong., 2nd sess.

———. ———. Subcommittee on Disarmament. United Nations Action on Disarmament. A Survey (September-November, 1959). 86th Cong., 2nd sess.

———. ———. ———. Conference on the Discontinuance of Nuclear Weapons Tests. Analysis of Progress in Positions of the Participating Parties, October 1958-August 1960. 86th Cong., 2nd sess.

———. Committee on Government Operations. Subcommittee on National Policy Machinery. Organization for National Security. Selected Materials. 86th Cong., 2nd sess.

———. ———. ———. ———. The National Security Council. Study. 86th Cong., 2nd sess.

———. ———. ———. ———. Super-Cabinet Officers and Superstaffs. Study. 86th Cong., 2nd sess.

———. ———. ———. ———. The National Security Council and the Departments of State and Defense. Hearings. Part V. June 2 . . . 14, 1960. 86th Cong., 2nd sess.

———. ———. ———. ———. The Department of State, the Policy Planning Staff and the National Security Council. Hearings. Part VI. May 26 . . . June 27, 1960. 86th Cong., 2nd sess.

———. ———. ———. ———. The Executive Office and Public Support. Hearings. Part VII. June 28 and July 1, 1960. 86th Cong., 2nd sess.

———. Committee on the Judiciary. Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws. Communist Anti-American Riots, Mob Violence as an Instrument of Red Diplomacy: Bogotá-Caracas-La Paz-Tokyo. Staff Study. 86th Cong., 2nd sess.

———. ———. ———. Communist Threat to the U. S. Through the Caribbean. Hearings. January 22–23, 1960. 86th Cong., 2nd sess.

Joint Committee on Atomic Energy. Technical Aspects of Detection and Inspection Controls of a Nuclear Weapons Test Ban. Summary-Analysis of Hearings. April 19–22, 1960. 86th Cong., 2nd sess.

Joint Economic Committee. Subcommittee on Economic Statistics. Comparison of the United States and Soviet Economies. 86th Cong., 2nd sess.

Executive

Department of Health, Education, and Welfare. Teaching about the United Nations in the United States: 1956–1959 Report. 1960.

Department of State. Economic Assistance as a Cooperative Effort of the Free World. 1960.

———. Highlights of Foreign Policy Developments—1959. (Publication No. 6956).

———. The American Role in Pacific Asian Affairs. (Publication No. 6970).

———. Documents on Disarmament, 1945–1959. (Publication No. 7008).

———. Disarmament at a Glance. (Publication No. 7058).

———. Disarmament, the Intensified Effort: 1955–1958. (Publication No. 7070).

———. Point 4 in Colombia. (Publication No. 7071).

———. Point 4 in Jordan. (Publication No. 7078).

OTHER BOOKS RECEIVED

Adams, Henry M. *Prussian-American Relations.* (Cleveland: The Press of Western Reserve University. Pp. 135.)

Albertini, M. *Lo Stato Nazionale.* (Milano: Dott. A. Guiffre, 1960. Pp. 152. Lire 1000.)

Allen, J. W. *A History of Political Thought in the Sixteenth Century.* (New York: Barnes & Noble, 1960. Pp. xxii, 527. $1.95.)

Ansel, Walter. *Hitler Confronts England.* (Durham; Duke University Press. Pp. xii, 348. $7.50.)

American Assembly, ed. by Don K. Price. *The Secretary of State.* (Englewood Cliffs, N. J.: Prentice-Hall, 1960. Pp. 203. $1.95.)

Asociacion Inter-Americana Pro-Democracia y Libertad. *Memoria del II Congreso Inter-Americano.* (Maracay. Pp. 349.)

Ausuble, H. *In Hard Times.* (New York: Columbia University Press, 1960. Pp. xi, 403. $7.50.)

Awolowo, Obafemi. *AWO: The Autobiography of Chief Obafemi Awolowo.* (New York: Cambridge University Press. Pp. xii, 315. $4.50.)

Baker, Gordon E. *State Constitutions: Reapportionment.* (New York: National Municipal League, 1960. Pp. viii, 70. $2.00.)

Baker, G. E. *The Politics of Reapportionment in Washington State.* (New York: Holt, Rinehart & Winston, 1960. Pp. 19. $.50.)

Barker, E. *Greek Political Theory.* (New York: Barnes & Noble, 1960. Pp. xii, 468. $1.95.)

Baumann, Carol Edler. *Political Co-operation in NATO.* (Madison: University of Wisconsin, 1960. Pp. iii, 108.)

Bernstein, Irving. *The Lean Years: A History of the American Worker 1920–1933.* (Boston: Houghton Mifflin Co., 1960. Pp. xi. 577. $7.00.)

Bien, David D. *The Calas Affair: Persecution, Toleration, and Heresy in Eighteenth-Century Toulouse.* (Princeton: Princeton University Press, 1960. Pp. ix, 199. $4.00.)

Bingham, David A. *Constitutional Municipal Home Rule in Arizona.* (Tucson: The University of Arizona, 1960. Pp. iv, 66. $1.50.)

Bloom, Allan. *Jean-Jacques Rousseau Politics and the Arts: Letter to M. d'Alembert on the Theatre.* (Glencoe: The Free Press, 1960. Pp. xxxviii, 153. $4.00.)

Black, Eugene R. *The Diplomacy of Economic Development.* (Cambridge: Harvard University Press, 1960. Pp. x, 74. $3.00.)

Blake, Nelson Manfred and Barck, Oscar Theodore, Jr. *The United States In Its World Relations.* (New York: McGraw-Hill Book Co., Inc., 1960. Pp. viii, 840. $7.95.)

Bourret, F. M. *Ghana: The Road to Independence 1919–1957.* (Stanford: Stanford University Press, 1960. Pp. xiii, 246.)

Bredvold, Louis I. and Ross, Ralph G. *The Philosophy of Edmund Burke.* (Ann Arbor: The University of Michigan Press. 1960. Pp. vi, 276. $3.50.)

Brody, David. *Steelworkers in America: The Nonunion Era.* (Cambridge: Harvard University Press, 1960. Pp. 303. $5.00.)

Buchanan, James M. *Fiscal Theory and Political Economy.* (Chapel Hill: University of No. Carolina Press, 1960. Pp. 197. $5.00.)

Carter, Gwendolen M. *Independence for Africa.* (New York: Frederic A. Praeger, Inc., 1960. Pp. xix, 172. $4.50.)

Central Treaty Organization Public Relations Division. *The Cento Council Meets in Tehran.* (Tehran. Pp. 48.)

Chen, Kuan-I. *World Population Growth and Living Standards.* (New York: Bookman Associates, Inc., 1960. Pp. 93. $4.00.)

Childers, Erskine B. *Common Sense About the Arab World.* (New York: The Macmillan Company, 1960. Pp. 192. $2.95.)

Classics in Sociology. (New York: Philosophical Library, Inc., 1960. Pp. xxiii, 326. $6.00.)

Classics in Western Civilization. (New York: Philosophical Library, Inc., 1960. Pp. xxvii, 338. $6.00.)

Conquest, Robert. *Common Sense About Russia.* (New York: The Macmillan Company, 1960. Pp. 175. $2.95.)

Crosser, Paul K. *State Capitalism in the Economy of the United States.* (New York: Bookman Associates, Inc., 1960. Pp. 158. $4.00.)

Croteau, John T. *A National Central Credit Society.* (Madison: Credit Union National Association, 1960. Pp. 47.)

Crothers, George C. *The "Invitation to Learning" Reader on War and Peace.* (New York: Taplinger Publishing Co., Inc., 1960. Pp. 102. $1.00.)

Coughlin, R. J. *Double Identity: The Chinese in Modern Thailand.* (New York: Oxford University Press, 1960. Pp. xi, 222. $5.00.)

Counseil de l'Europe, *Donnees Statistiques.* (Strasbourg, 1960. Pp. cvii, 605. $5.00.)

Degras, Jane. *The Communist International 1919–1943 Documents.* (New York: Oxford University Press, 1960. Pp. xiv, 584. $12.80.)

Devino, William Stanley. *Exhaustion of Unemployment Benefits During a Recession.* (East Lansing: Michigan State University, 1960. Pp. 78.)

Donald, David. *Why the North Won the Civil War.* (Baton Rouge: Louisiana State University Press, 1960. Pp. xv, 128. $2.95.)

Douglass, Paul and Alice McMahon. *How to be an Active Citizen.* (Gainesville: University of Florida Press, 1960. Pp. 90. $1.50.)

Elton, G. R. *The Tudor Constitution: Documents and Commentary.* (New York: Cambridge University Press, 1960. Pp. xvi, 496. $10.00.)

Elton, G. R. *The Tudor Constitution: Documents and Commentary.* (New York: Cambridge University Press, 1960. Pp. xvi, 496. $4.95 paper.)

Erlich, Alexander. *The Soviet Industrialization Debate, 1925–1928.* (Cambridge: Harvard University Press, 1960. Pp. xxiii, 214. $6.00.)

Ezera, Kalu. *Constitutional Developments in Nigeria.* (New York: Cambridge University Press, 1960. Pp. xv, 274. $5.50.)

Fabunmi, L. A. *The Sudan in Anglo-Egyptian Relations: A Case Study in Power Politics 1800–1956.* (New York: Longmans, Green & Co., Inc., 1960. Pp. xx, 466. $11.75.)

Fergusson, Sir James. *The Sixteen Peers of Scotland.* (New York: Oxford University Press, 1960. Pp. 175. $4.80.)

Firey, Walter. *Man, Mind and Land.* (Glencoe: The Free Press, 1960. Pp. 256. $6.00.)

Fleming, G. James. *An All-Negro Ticket in Baltimore.* (New York: Holt, Rinehart and Winston, Inc., 1960. Pp. 16. $.50.)

Frye, Robert J. *Government and Labor.* (Kingsport: Kingsport Press, Inc., 1960. Pp. xi, 157.)

Fullard, Harold. *Barnes & Noble World Atlas.* (New York: Barnes & Noble, Inc., 1960. Pp. 94. $1.95.)

Furnia, Arthur H. *The Diplomacy of Appeasement.* (Washington: The University Press of Washington, D. C., 1960. Pp. ix, 454. $6.00.)

Gartner, Lloyd P. *The Jewish Immigrant in England, 1870–1914.* (Detroit: Wayne State University Press, 1960, Pp. 320. $5.00.)

Gates, Paul W. *The Farmer's Age: Agriculture 1815–1860.* (New York: Holt, Rinehart and Winston, Inc., 1960. Pp. xviii, 460. $6.00.)

Geertz, Clifford. *The Religion of Java.* (Glencoe: The Free Press, 1960. Pp. xv, 392. $7.50.)

Geiss, Imanuel. *Der Polnische Grenzstreifen.* (Lubeck und Hamburg: Matthiesen Verlag, 1960. Pp. 188. 18 DM.)

Gollan, Robin. *Radical and Working Class Politics.* (New York: Cambridge University Press, 1960. Pp. xi, 226. $6.50.)

Gotshal, Sylvan. *Together We Stand.* (Washington, D. C.: Public Affairs Press, 1960. Pp. vii, 77. $3.25.)

Grossman, Gregory. *Soviet Statistics of Physical Output of Industrial Commodities: Their Compilation and Quality.* (Princeton: Princeton University Press. 1960. Pp. 151. $4.50.)

Halm, George N. *Economic Systems: A Comparative Analysis.* (New York: Holt, Rinehart and Winston, Inc., 1960. Pp. ix, 341. $5.00.)

Halperin, Samuel. *A University in the Web of Politics.* (New York: Holt, Rinehart and Winston, 1960. Pp. 16. $.50.)

Harris, Seymour E. *More Resources for Education.* (New York: Harper & Brothers, 1960. Pp. x, 86. $2.95.)

Harvard Educational Review: A Special Issue on Negro Education in the United States. (Cambridge: Harvard University Press, 1960. Pp. 305.)

Hazard, John N. *The Soviet System of Government.* (Chicago: The University of Chicago Press, 1960. Pp. 272, xiii. $4.00.)

Heller, Francis H. *The Presidency.* (New York: Random House, 1960. Pp. 114. $.95.)

Helmreich, Ernst C. *Religion and the Maine Schools: An Historical Approach.* (Brunswick: Bureau for Research in Municipal Government. Pp. 83.)

Hewitt, A. R. *Union List of Commonwealth Newspapers.* (New York: Oxford University Press, 1960. Pp. ix, 101. $3.40.)

Higgins, Trumbull. *Korea and the Fall of MacArthur.* (New York: Oxford University Press, 1960. Pp. ix, 229. $5.00.)

Hinrichs, Herausgegeben von Carl und Berges, Wilhelm. *Die deutsche Einheit als Problem der europaischen Geschichte.* (Ernst Klett Verlag Stuttgart. Pp. 195.)

Holdren, Bob R. *The Structure of a Retail Market and the Market Behavior of Retail Units.* (Englewood Cliffs: PrenticeHall, Inc., 1960. Pp. xii, 203. $4.50.)

Hudson, G. F. *"Far Eastern Affairs: Number Two" St. Antony's Papers No. 7.* (Carbondale: Southern Illinois University Press, 1960. Pp. 139. $3.75.)

Indiana Election Returns 1816–1851. (Indianapolis: Indiana Historical Bureau, 1960. Pp. xxv, 493. $7.50.)

Le Contrat Social: Revue historique et critique des faits et des idees. (Paris: Institut D'Histoire Sociale, 1960. 256. 2NF.)

Le Contrat Social: Revue historique et critique des faits et des idees. (Paris: Institut D'Histoire Sociale, 1960. Pp. 318. 2NF.)

Institute of Race Relations. *Coloured Immigrants in Britain.* (New York: Oxford University Press, 1960. Pp. xii, 225. $4.00.)

Institute for Social Research. (Ann Arbor: University of Michigan, 1960. Pp. 49.)

Jones, A. H. M. *Studies in Roman Government* *and Law.* (New York: Frederic A. Praeger, Inc., 1960. Pp. viii, 243. $6.00.)

Journal of the International Commission of Jurists. (Geneva: International Commission of Jurists, 1960. Pp. 252. $1.00.)

International Conciliation (Issues Before the Fifteenth General Assembly) (New York: Advance Printing Co., Inc., 1960. Pp. 173.)

INTER-UNIVERSITY CASE PROGRAM. *The Grazing Fee Dilemma.* (University: University of Alabama Press, 1960. Pp. 10. $.30.)

INTER-UNIVERSITY CASE PROGRAM. *The Florida Flood Control District.* (University: University of Alabama Press, 1960. Pp. 24. $.50.)

INTER-UNIVERSITY CASE PROGRAM. *The Defense Appropriations Rider.* (University: University of Alabama Press, 1960. Pp. 28. $.55.)

KEPHART, CALVIN I. *Races of Mankind: Their Origin and Migration.* (New York: Philosophical Library, Inc., 1960. Pp. xiv, 566. $6.00.)

KHRUSHCHEV, N. S. *Khrushchev In New York.* (New York: Crosscurrents Press, Inc., 1960. Pp. 286. $1.50 paper.)

KING, WILLARD L. *Lincoln's Manager David Davis.* (Cambridge: Harvard University Press, 1960. xiii, 383. $6.75.)

KIRCHNER, WALTHER. *Western Civilization to 1500.* (New York: Barnes & Noble, Inc., 1960. Pp. xvii, 326. $1.95.)

KISH, GEORGE. *Economic Atlas of the Soviet Union.* (Ann Arbor: University of Michigan Press, 1960. Pp. 96. $10.00.)

KNIGHT, W. D. *Wisconsin Commerce Reports* (Property Taxation and the Wisconsin Tax System). (Madison: University of Wisconsin, 1960. Pp. 134.)

LEBAR, FRANK AND SUDDARD, ADRIENNE. *LAOS: Its People, Its Society.* (New York: Taplinger Publishing Co., Inc., 1960. Pp. 294. $6.50.)

LEGHAIT, E. R. *No Carte Blanche to Capricorn: The Folly of Nuclear War.* (New York: Bookfield House Inc., 1960. Pp. 114. $1.25 paper.)

LEROY, LOUIS. *Le Ruralisme.* (Paris: Les Editions Ouvrieres, 1960. Pp. 136. 9.30 NF.)

LEE, NORMAN E. *Harvests & Harvesting Through the Ages.* (New York: Cambridge University Press, 1960. Pp. 208. $2.95.)

LEWIS, GEOFFREY. *Turkey.* (New York: Praeger, 1960. Pp. xiii, 226.)

LOGUE, JOHN. *The Great Debate on Charter Reform.* (New York: Fordham University Press, 1960. Pp. vii, 31.)

LOGUE, JOHN. *Suburban Report: The Problem of Organizing Countywide Civic Organizations in the Suburbs of Philadelphia.* (Villanova: Villanova University, 1960. Pp. 31.)

LOOMIS, CHARLES P. *Social Systems: Essay on Their Persistence & Change.* (Princeton: D. Van Nostrand Co , Inc., 1960. Pp. xi, 349. $6.50.)

MARCUS, EDWARD AND MILDRED. *Investment and Development Possibilities in Tropical Africa.* (New York: Bookman Associates, Inc., 1960. Pp. 286. $7.50.)

MASON, PHILIP. *Year of Decision: Rhodesia and Nyasaland 1960.* (New York: Oxford University Press, 1960. Pp. x, 282. $3.40.)

MCINNIS, EDGAR, HISCOCKS, RICHARD AND SPENCER, ROBERT. *The Shaping of Postwar Germany.* (New York: Praeger, 1960. Pp. 195. $4.00.)

MCKEAN, KEITH F. *Cross Currents in the South.* (Denver: Alan Swallow & Publisher, 1960. Pp. 50. $1.00.)

MARKEL, LESTER. *Background and Foreground* (New York Times Magazine Anthology) (Great Neck: Channel Press, 1960. Pp. xvii, 489. $6.00.)

MAY, ERNEST R. *The Ultimate Decision: The President as Commander in Chief.* (New York: George Braziller, Inc., 1960. Pp. xvii, 290. $6.00.)

MILES, EDWIN ARTHUR. *Jacksonian Democracy in Mississippi.* (Chapel Hill: University of No. Carolina Press, 1960. Pp. 192. $2.50.)

MILL, ANNA JEAN. *John Mill's Boyhood Visit to France.* (Toronto: University of Toronto, 1960. Pp. vi, 133. $5.00.)

MILLER, WARREN. *The Sleep of Reason.* (Boston: Little, Brown and Co., 1960. xiv, 171. $1.65.)

MITCHISON, LOIS. *Nigeria Newest Nation.* (New York: Praeger, 1960. Pp. x, 122. $3.00.)

NANNES, CASPAR. *Politics in the American Drama.* (Washington: The Catholic University of American Press, 1960. Pp. xv, 256. $4.95.)

NATIONAL INSTITUTE OF SOCIAL AND BEHAVIORAL SCIENCE. *The Political Economy of Contemporary Africa.* (Washington: George Washington University, 1960. Pp. 24.)

NATIONAL PLANNING ASSOCIATION (U.S.A.) *Changes in Trade Restrictions between Canada and the United States.* (Canadian-American Committee, 1960. Pp. x, 65. $2.00.)

NATIONAL PLANNING ASSOCIATION, *U.S. Foreign Policy in a Changing World.* (Washington: National Planning Association, 1960. Pp. iv, 76. $1.50.)

NATIONAL PLANNING ASSOCIATION (U.S.A.) *Law and United States Business in Canada.* (Canadian-American Committee, 1960. Pp. ix, 30. $1.00.)

NIDDITCH, P. H. *Elementary Logic of Science and Mathematics.* (Glencoe: The Free Press, 1960. Pp. vii, 371. $4.00.)

NIDDITCH, P. H. *Introductory Formal Logic of Mathematics.* (Glencoe: The Free Press, 1960. Pp. vi, 188. $3.00.)

NUTTING, ANTHONY. *Europe Will Not Wait: A Warning and a Way Out.* (New York: Praeger, 1960. Pp. 122. $3.50.)

PANIKKAR, K. M. *Common Sense About India.* (New York: The Macmillan Company, 1960. Pp. 174. $2.95.)

PACKARD, VANCE. *The Waste Makers.* (New York: David McKay Co., Inc., 1960. Pp. x, 340. $4.50.)

PERLOFF, HARVEY S.; DUNN, LAMPARD, AND MUTH. *Regions, Resources, and Economic Growth.* (Baltimore: The Johns Hopkins Press, 1960. Pp. xxv, 716. $12.00.)

PETERSEN, RENEE AND WILLIAM. *University Adult Education.* (New York: Harper & Brothers, 1960. Pp. xx, 288. $5.50.)

POLS, WERNER. *Historische Studien.* (Lubeck und Hamburg: Matthiesen Verlag, 1960. Pp. 104. 9.80 DM.)

POWER, PAUL F. *Gandhi on World Affairs.* (Washington: Public Affairs Press, 1960. Pp. vi, 128. $3.25.)

QUBAIN, FAHIM I. *Inside the Arab Mind.* (Arlington: Middle East Research Associates, 1960. Pp. vii, 100.)

RANSONE, COLEMAN B., JR. AND KING. *A Manual for Alabama Probate Judges.* (University: University of Alabama, 1960. Pp. ix, 104.)

ROLAND, CHARLES P. *The Confederacy.* (Chicago: The University of Chicago Press, 1960. Pp. ix, 218. $3.95.)

RUTGERS—THE STATE UNIVERSITY. *New Jersey Congressional Districts, A Plan for the 'Sixties.* (New Brunswick: Bureau of Government Research, 1960. Pp. vi, 31.)

RUTTENBERG, HAROLD J. *Self-Developing America.* (New York: Harper & Brothers, 1960. Pp. xiii, 254. $4.50.)

SAMPSON, ANTHONY. *Common Sense About Africa.* (New York: The Macmillan Co., 1960. Pp. 175. $2.95.)

SCHAFER, STEPHEN. *Restitution to Victims of Crime.* (Chicago: Quadrangle Book, Inc., 1960. Pp. ix, 130. $4.75.)

SCHMIDHAUSER, JOHN R. *The Supreme Court.* (New York: Holt, Rinehart and Winston, Inc., 1960. Pp. viii, 163. $1.50.)

SCHNAPPER, M. B. *The Facts of American Life.* (Washington: Public Affairs Press, 1960. Pp. vi, 420. $6.00.)

STANKIEWICZ, W. J. *Politics & Religion in Seventeenth-Century France.* (Berkeley: University of California Press, 1960. Pp. x, 269. $6.00.)

SCHWARTZ, ANDREW J. *America and the Russo-Finnish War.* (Washington: Public Affairs Press, 1960. Pp vi, 103. $3.25.)

SMITH, BRUCE. *Police Systems in the United States.* (New York: Harper & Brothers, 1960. Pp. x, 338. $6.00.)

SMYTHE, HUGH H. AND MABEL M. *The New Nigerian Elite.* (Stanford: Stanford University Press, 1960. Pp. ix, 196. $5.00.)

SUGG, REDDING S., JR. AND JONES, G. H. *The Southern Regional Education.* (Baton Rouge: Louisiana State University Press, 1960. xv, 179. $4.00.)

TREVASKIS, G. K. N. *Eritrea.* (New York: Oxford University Press, 1960. Pp. viii, 137. $3.40.)

TRONCOSO, MOISES POBLETE AND BURNETT, B. G. *The Rise of the Latin American Labor Movement.* (New York: Bookman Associates, Inc., 1960. Pp. 179. $5.00.)

TROTSKY, LEON. *Literature and Revolution.* (Ann Arbor: University of Michigan Press, 1960. Pp. 255. $1.85.)

UNESCO. *International Social Science Journal*, Vol. XII, No. 3 (1960). (Paris: Place De Fontenoy. Pp. 504. $2.00.)

UNESCO. *International Bibliography of Political Science Volume VII.* (New York: Columbia University Press, 1960. Pp. 354. $6.00.)

U. N. *Yearbook of the United Nations, 1959.* (New York: Columbia University Press, 1960. Pp. x, 660. $12.50.)

U. S. DEPARTMENT OF COMMERCE. *Statistical Abstract of the United States 1960.* (Washington: U. S. Government Printing Office, 1960. Pp. xii, 1040. $3.50.)

UNIVERSITY OF MICHIGAN. *The Status and Prospects of Political Science as a Discipline.* (Ann Arbor: University of Michigan, 1960. Pp. 54.)

VAN TASSEL, DAVID D. *Recording America's Past.* (Chicago: The University of Chicago Press, 1960. Pp. xii, 221. $6.00.)

WAKEFIELD, DAN. *Revolt in the South.* (New York: Grove Press, Inc., 1960. Pp. 128. $.95.)

WARBURG, JAMES P. *Reveille for Rebels.* (New York: Doubleday & Company, 1960. Pp. 154. $.95.)

WEISS, JOHN. *Moses Hess: Utopian Socialist.* (Detroit: Wayne State University Press, 1960. Pp. 88. $1.95.)

WILMERDING, LUCIUS, JR. *James Monroe: Public Claimant.* (New Brunswick: Rutgers University Press, 1960. Pp. 144. $4.00.)

WINT, GUY. *Common Sense About China.* (New York: The Macmillan Company, 1960. Pp. 176. $2.95.)

WOOD, SUSAN. *Kenya: The Tensions of Progress.* (New York: Oxford University Press, 1960. Pp. ix, 108. $.80.)

ZINNER, PAUL E. *Documents on American Foreign Relations 1959.* (New York: Harper & Brothers, 1960. Pp. xxiii, 541. $6.95.)

NEWS AND NOTES

PROFESSIONAL CONFERENCES

The thirty-second annual meeting of the Southern Political Science Association was held November 3, 4, 5, 1960 at the Mountain View Hotel, Gatlinburg, Tennessee. Over three hundred persons were in attendance at the meeting, which included seven program panels, a regional meeting of the American Society for Public Administration sponsored by the East Tennessee chapter of the Society in conjunction with the Association, a luncheon meeting and a dinner meeting. President Emmette S. Redford of the American Political Science Association attended the meeting.

At the business meeting November 3, officers for 1961 were elected: president: Arthur Dugan, University of the South; president-elect: Alexander Heard, University of North Carolina; vice-president: Wallace Mendelson, University of Texas; recording secretary: Daisy Parker, Florida State University; directors: Thomas I. Cook, Johns Hopkins University; Edward Hobbs, University of Mississippi; John Wheeler, Hollins College. President Dugan has named Paul David, University of Virginia, to the executive council to fill out the unexpired term of Professor Dugan on the Council.

Avery Leiserson of Vanderbilt University was elected editor of *The Journal of Politics* to succeed John Hallowell of Duke University, who resigned as editor due to the pressure of other duties.

The International Political Science Association Round Table Conference and Executive Committee meeting were held at The University of Michigan September 11–16, 1960. The meeting was made possible by a grant provided by the American Political Science Association. Two topics were dealt with: "Recent Developments in the Behavioral Study of Politics" and "The Problems of Poly-Ethnic Societies." Some thirty-five political scientists from fifteen countries participated.

The annual meeting of the New York State Political Science Association will be held at Cornell University on April 21 and 22, 1961. Officers of the Association for 1960–61 are Professors Donald Bishop, Syracuse University, president; William Willoughby, St. Lawrence University, vice-president; Frederick T. Bent, Cornell University, secretary-treasurer.

The fourth annual meeting of the Missouri Political Science Association was held at the University of Missouri, Columbia, on October 28, 1960. Sessions were devoted to constitutional revision in Missouri, the enlarging state system in the world, the future of political theory, and the relationship between politics and administration, Judge Clem F. Storckman of the Supreme Court of Missouri delivered the principal address. Carl A. McCandless of Washington University was elected president of the association for 1961. The association now comprises 107 members.

The Pacific Northwest Political Science Association will meet May 12–13, 1961 at Whitman College, Walla Walla, Washington.

An invitational conference on United States China policy was held under the auspices of the Center for the Study of United States Foreign Policy in the department of political science of the University of Cincinnati on December 1, 2, and 3. There were participants in the conference from colleges and universities in Ohio, West Virginia, Kentucky, Indiana and Cincinnati. The participants included Mr. Edwin Martin from the Department of State, Mr. George Denny from the staff of the Senate Foreign Relations Committee, Professor H. Arthur Steiner from UCLA, Mr. Herbert Feis and the Honorable Stanley K. Hornbeck from Washington.

San Diego State College held its 18th annual Institute on World Affairs August 8–26, 1960. Under the director of Professor Minos Generales, this year's theme was "The 1960's: Decade for Decision." Among this year's speakers were the ambassadors to the United States from Iraq, Ghana, and Czechoslovakia. Other speakers addressing the Institute included professors Robert Neumann, California (Los Angeles); Fred Neal, Claremont; Carl Christol and Ross Berkes, USC; Stanley Cahn, Loyola (Los Angeles); Fred Sondermann, Colorado College; Sam Grover Rich, Jr., Utah; Charles Schleicher, Oregon; Karlin Capper-Johnson, Lewis and Clark; John Letiche, California (Berkeley); and George Shuster, president of Hunter College, and Roger Revelle, director of the Institute of Science and Engineering, University of California at La Jolla.

The political science department of the University of Delaware, responding to a request from legislative leaders conducted a pre-session seminar for the Delaware General Assembly on November 25th. The seminar was held in the Political Science building at the university. The all-day meeting consisted of a series of panels dealing with legislative organization and procedure. Several of the state's leading attorneys served on the panels which were presided over by the officers of the

House and Senate. Some 35 of the 52-member legislature attended, including 15 of the 18 newly elected legislators. In view of the response, it is expected that the seminar will be held at the beginning of each regular legislative session following a general election hereafter. Professors Purcell, Knappen, and Dolan of the political science department were in charge of the proceedings.

OTHER ACTIVITIES

A special convocation was held at Ohio Northern University in commemoration of Wilfred Binkley's forty year association with that institution. Malcolm Moos gave an address on The American Presidency. In addition to the speaker, honorary degrees were given to Wilfred Binkley, Charles Hyneman, James Pollock and Howard White.

The department of history and political science, University of California, Davis, was recently separated into two independent departments. Clyde E. Jacobs, who was recently promoted to rank of associate professor in political science, has been designated chairman of the department of political science.

Four institutions in the Connecticut Valley in Massachusetts—Amherst, Mount Holyoke and Smith Colleges and the University of Massachusetts—have inaugurated a co-operative program of non-Western studies in the social sciences, with the assistance of a grant from the Ford Foundation. Four areas are to be emphasized—Africa South of the Sahara, India and South Asia, the Middle East, and the Far East—and provision has been made for the introduction of new courses, a visiting professor, augmenting library resources, visiting lectures, and summer study grants. The new program is administered by a committee composed of John S. Harris, Department of Government, University of Massachusetts, chairman; Gwendolen M. Carter, political science, Smith College; Everett Hawkins, economics, Mount Holyoke; and James Nelson, economics, Amherst College. During the current year a special seminar is being given in the Valley by the staff of the Harvard University Center for Middle Eastern Studies headed by Sir Hamilton Gibb.

The Canadian Federation of Mayors and Municipalities has established a bureau in the national capital at 56 Sparks Street, Ottawa 4. The director of the Bureau is Eric Beecroft, who is also in charge of the Federation's program in urban planning and development. Dr. Beecroft was formerly national director of the Community Planning Association of Canada and editor of the *Community Planning Review.*

"Governing New York City" by Wallace S. Sayre and Herbert Kaufman won first prize among the Fruin-Colnon Awards of the National Municipal League (1960 competition).

Luther A. Allen, assistant professor, University of Massachusetts, is on leave for the academic year 1960–61 and is teaching under a Smith-Mundt grant at the University of Saigon, Viet-Nam.

R. Wallace Brewster, professor of political science at the Pennsylvania State University has been appointed a member of the Pennsylvania Advisory Committee on Working Conditions for Women and Minors. This Committee will serve under the Bureau of Women and Children in the Department of Labor and Industry in Harrisburg.

Dorothy I. Cline, associate professor of government and acting director, division of research, University of New Mexico, has been awarded the Winifred Cullis Lecture Fellowship by the British-American Associates, and will lecture in the British Isles, February-April, 1961.

Cornelius P. Cotter of the department of political science of Stanford University, is on leave of absence as assistant staff director of the Commission on Civil Rights.

Bernard Crick, lecturer on political science at the London School of Economics, is a research fellow in government for the year at Harvard University.

Alfred E. Diamond, who is in the process of completing his doctoral work at Ohio State University, is presently a visiting lecturer in political science at Ohio Wesleyan University.

Charles Drekmeier of the department of political science and sociology of Stanford University has been appointed a fellow in law and sociology at the Harvard Law School for the present academic year under a Carnegie Corporation Grant.

James C. Finlay, S.J., after a year of postdoctoral studies in Paris, has joined Fordham University's department of political philosophy.

Ralph E. Flanders, former United States Senator from Vermont, served during the fall semester, 1960, as Ford Foundation distinguished professor of public affairs at the University of Massachusetts. During the spring semester, 1961, the professorship will be held by Dennis Roberts, former Mayor of Providence and Governor of the State of Rhode Island.

Harvey Glickman, assistant professor of political science, Haverford College, has been appointed book editor of *Africa Report*, a journal devoted to African affairs.

Edward M. Goldberg, formerly at the University of New Mexico, has been appointed visiting assistant professor of political science at San Diego State College.

William Gore, assistant professor of political science, the University of Kansas, has received a fellowship grant from Community Studies for research into policy decisions in the metropolitan area of Kansas City. The research will extend over a fifteen month period beginning in the fall of 1960.

James W. Gould is a Fulbright lecturer at the Amerika Institute of the University of Munich for the year 1960–61.

Philip C. Jessup will retire from Columbia University at the end of the present academic year to take up his duties as a member of the International Court of Justice in The Hague.

Claudius O. Johnson, professor emeritus of political science at Washington State University is Helen Mary Marks visiting distinguished professor at Chatham College during this academic year.

James B. Kessler, Indiana University, has taken leave to serve as director of the Commission on State Tax and Financing Policy.

Joseph B. Kingsbury has retired from Indiana University and has accepted a position in Bangkok on the Indiana University Public Administration contract there.

James D. Kitchen has been granted a leave of absence from San Diego State College while he serves as a Fulbright lecturer in Ecuador.

Walter H. C. Laves, chairman of the department of government, Indiana University, conducted a study for the Department of State and Advisory Commission on Educational Exchanges, during the fall semester.

Don B. Leiffer has been granted a leave of absence from San Diego State College while he serves as acting administrative officer of the California State College System. Professor Leiffer will serve in this capacity until a permanent administrative officer is appointed sometime after July 1, 1961. The administrative officer serves under a Board of Trustees which governs the fifteen California State Colleges.

Charles S. Liebman has been appointed instructor in the political science department, University of Pennsylvania, and educational assistant at the Fels Institute of Local and State Government.

Channing Liem, formerly associate professor of political science at Chatham College, is now head of the Republic of Korea Mission to the United Nations with the rank of Ambassador.

John Logue, assistant professor of political science at Villanova University, has been appointed visiting professor of political science at Haverford College for the year 1960–61.

Lucian C. Marquis of the University of Oregon will be on sabbatical leave for 1960–61 as Fulbright lecturer in comparative political institutions and political sociology at the University of Exeter, England. On June 1960 he received the Ersted Distinguished Teaching Award of $1000 at the University of Oregon.

Herbert J. Muller, distinguished service professor of government and English, Indiana University, is spending the year at the center for advanced studies in behavioral sciences at Stanford, California.

Richard E. Neustadt, head of the government department in Columbia College, served as advisor on government organization to President Kennedy during the transition period before and after the Inauguration.

Harding C. Noblitt, professor of political science, was the recipient of the first annual Great Teacher Award at Concordia College, Moorhead, Minnesota in the spring of 1960.

Albert J. Ossman, Jr., assistant professor of economics and political science is acting department chairman in the political science department at Chatham during the absence of William J. Keefe.

Norman Padelford has been elected chairman of the board of editors of *International Organization.*

Roy Pierce, associate professor of political science at the University of Michigan was a Fulbright lecturer at the American Seminar in political science and sociology at Nice, France.

William Whatley Pierson, professor of political science at the University of North Carolina at Chapel Hill, has been named acting chancellor of the Woman's College of Greensboro.

Robert S. Rankin, on leave from his post as chairman of the department of political science at Duke University, is serving as a member of the United States Commission on Civil Rights.

During his absence, John Hallowell is acting as chairman.

Alvin Z. Rubinstein, assistant professor, University of Pennsylvania, has been named book review editor of *Current History*.

Robert A. Rupen, associate professor of political science at the University of North Carolina will spend the spring and summer of 1961 at the Russian Institute of Columbia University.

Fayez A. Sayegh, formerly of the Arab States' Delegation Office and the Yemen Permanent Mission to the U.N. is visiting associate professor of political science and philosophy at Stanford University.

Henry J. Schmandt, associate professor of political science at the University of Wisconsin, Milwaukee, was recently selected as chairman of the newly organized Southeastern Wisconsin Regional Planning Commission.

Andrew M. Scott, associate professor at the University of North Carolina, will spend the 1960–61 academic year as Fulbright lecturer in American political thought at the Bologna Center of the school for advanced international studies of John Hopkins University.

Lester G. Seligman of the University of Oregon will be on sabbatical leave for 1960–61 as Fulbright lecturer in American Political Studies at the Hebrew University, Jerusalem, Israel.

Herman M. Somers, professor of political science at Haverford College, is on leave during 1960–61 under a Senior Research Fellowship of the Social Science Research Council. He is also serving as visiting research professor at the Brookings Institution, Washington, D.C.

Richard N. Swift, associate professor of government at New York University, is serving during 1960–61 as acting chairman of the Washington Square College department of government. He also begins the first year in a three-year term as Coordinator of the College Program of Liberal Studies.

Robert Tomasek has received a Doherty Foundation Fellowship for a year's study of the Christian Democratic Party of Chile and will be on leave from his position as assistant professor of political science at the University of Kansas for the academic year, 1960–61.

Frank N. Trager, professor of international affairs, New York University, is serving as visiting professor in political science at Yale University 1960–61.

M. J. C. Vile of the University of Exeter, England, was appointed as NATO visiting professor in government to the University of Massachusetts for the fall semester 1960. He will spend the spring semester as visiting lecturer at Smith College, Massachusetts.

Maurice Waters of Wayne State University has received the World Affairs Center Fellowship for 1960–61.

APPOINTMENTS AND STAFF CHANGES

Bruce R. Andrews was appointed July 1, 1960 as assistant professor of political science at Dickinson College.

David E. Apter has been appointed associate professor of political science at the University of California, Berkeley, starting September, 1961.

Chester W. Bain, formerly of the University of Virginia, has been appointed professor and head, department of political science, University of South Carolina.

Gary L. Best has received an appointment as instructor in political science at the University of Oregon.

L. Franklin Blitz, Jr., formerly of Florida State University, has been appointed assistant professor in the bureau of public administration and the department of political science, University of South Carolina.

Burton R. Brazil has been promoted to the rank of professor at San Jose State College.

Holbert N. Carroll, professor of political science at the University of Pittsburgh, has been appointed chairman of the department.

Byrum Carter has become a full professor at Indiana University.

Dale Chastain has been appointed assistant professor of political science at Chatham College.

C. W. Cassinelli of Whitman has been appointed assistant professor in the department at the University of Washington.

Taylor Cole, of Duke University, was appointed to the new position of provost of the University upon his return from a year of research in West Africa.

James S. Coleman, director of the African Studies Center at UCLA, has been promoted to the rank of professor.

Elmer E. Cornwell has been promoted to associate professor at Brown.

Michael Curtis, formerly of Oberlin College, has accepted an appointment at the University of Massachusetts as an associate professor of government.

David Derge has been appointed associate professor at Indiana University.

Alfred Diamant, formerly associate professor of political science at the University of Florida, has been appointed associate professor of political science at Haverford College, effective September 1960.

Martin David Dubin, a visiting assistant professor at Roosevelt University during 1959–60 has been given a regular three year appointment as assistant professor of political science.

Arnett Elliott of the department of political science at the University of Tennessee has been appointed assistant professor of political science at Whitman College commencing in September, 1961.

Thomas H. Eliot has been appointed dean of the College of Liberal Arts at Washington University.

John Funari has been appointed instructor of political science at the University of Pittsburgh.

William R. Gable of the institute of public administration at the University of Michigan has been appointed assistant professor of political science.

John Gange, a former executive director of APSA, and lately with the Asia Foundation in Hong Kong, has become director of the institute of international studies and overseas administration at the University of Oregon, Eugene. The institute is charged with the development and coordination of University activities in the field of international affairs.

Neil Garvey has been appointed to a full professorship at the University of Illinois.

Frederick H. Gareau has been promoted to an associate professorship and Donald S. Vaughan has been advanced to an acting associate professorship at the University of Mississippi.

Harvey Glickman, formerly assistant professor of politics at Princeton University, has been appointed assistant professor of political science at Haverford College, effective September 1960.

Elliot R. Goodman has become associate professor of political science at Brown.

Ahmád R. Haffar, who is completing the requirements for the Ph.D. at Princeton, has been appointed assistant professor of political science at the State University College of Education, New Paltz, New York.

A. Clarke Hagensick was appointed assistant professor of political science in the bureau of government, University of Wisconsin Extension Division, beginning March 1, 1960.

Charles M. Hardin, University of Chicago, has resigned to become an associate director of the social sciences at the Rockefeller Foundation.

Ray F. Harvey has been named dean of the graduate school of public administration at New York University.

C. Ferrel Heady, Jr. has been appointed director of the institute of public administration at the University of Michigan succeeding John W. Lederle, who resigned to become president of the University of Massachusetts.

C. J. Hein has been appointed to the staff of the graduate school of the United States Department of Agriculture.

Ivan Hinderaker has returned to UCLA from a year's leave in Washington, D.C. where he served as special assistant to the Secretary of the Interior, and has accepted an appointment as chairman of the department of political science.

Charles D. Hounshell has been appointed associate to the dean of the college of Emory University.

Edwin C. Hoyt has been appointed associate professor of government and chairman of the department at the University of New Mexico.

George McT. Kahin, professor of government at Cornell, has been appointed director of the University's Southeast Asia Program.

Arthur E. Kalleberg, who was awarded the Ph.D. at the University of Minnesota in August, has accepted a position as instructor in political science at Mount Holyoke College.

John C. Lane has been appointed assistant professor of government at the University of Buffalo.

Richard H. Leach has been promoted to associate professor of political science at Duke University.

Charles S. Liebman has been appointed instructor in the political science department, University of Pennsylvania, and educational assistant at the Fels Institute of Local and State Government.

Jung-shun Lin, who recently received his Ph.D. from the University of Pennsylvania, has been appointed assistant professor of political science at the State University of Education, New Paltz, New York.

David W. McCormick, formerly of Eastern Illinois University, has been appointed assistant professor of government at Idaho State College.

Gerard J. Mangone has been named executive officer of the newly reorganized center for overseas operations in the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University. The Center comprises the several international programs of the School, including the graduate overseas training program, the Pakistan administrative staff college mission, the cross-cultural studies project, the Africa-Asia public affairs interneships and the Maxwell Institute on Overseas Operations.

Henry B. Mayo, formerly of the University of South Carolina, has accepted a professorship with the University of Western Ontario, London, Ontario.

Robert Mendelsohn is now instructor in political science at the University of Oregon.

Joyce M. Mitchell has become instructor in political science at the University of Oregon.

William Mitchell, formerly of Harvard, is now assistant professor at the University of Oregon.

Earl Nehring has been promoted from instructor to assistant professor of political science at the University of Kansas.

Benjamin Nimer has accepted appointment as associate professor at George Washington University.

Lawrence E. Noble, Jr., has been promoted to associate professor of government at Centre College of Kentucky.

Theodore M. Norton, formerly at the University of Chicago, has been appointed assistant professor of political science at San Jose State College for the fall semester, 1960–61.

Robert F. Oxnam, formerly vice-president and associate professor of government at Boston University and more recently president of Pratt Institute is the new president of Drew University.

L. Vincent Padgett has been promoted to the rank of associate professor of political science at San Diego State College.

Thomas Page has been promoted to associate professor of political science at Illinois.

Philip F. Palmer was appointed instructor in political science, beginning in August, 1960 at the University of Wisconsin, extension division.

Robert H. Pealy of the institute of public administration at the University of Michigan has been appointed associate professor of political science.

Jack W. Peltason has been appointed dean of the college of liberal arts and sciences at the University of Illinois.

René Peritz has been appointed instructor in the political science department, University of Pennsylvania.

Robert J. Pranger has been appointed to an instructorship at the University of Illinois.

Alan C. Rankin has been promoted to professor of political science at the University of Pittsburgh.

Fred Riggs of Indiana University is now a full professor.

Fauneil J. Rinn, formerly at the University of Chicago, has been appointed assistant professor of political science at San Jose State College.

Marvin Rintala has been promoted to assistant professor at Brown University.

Donald G. Rhodes, formerly of the University of Kansas, has been appointed an instructor in political science and research assistant in the bureau of public administration at the University of Mississippi.

Adolph Riederer, formerly of New York University, has accepted appointment as instructor in government at the University of Texas.

Edward J. Rogers has been promoted to the rank of professor at San Jose State College.

Ernest E. Rossi, formerly of West Virginia University, has been appointed assistant professor at the Catholic University of America.

John W. Ryan was promoted in September 1960 to associate director of the bureau of government, University of Wisconsin extension division. In this position Professor Ryan will be responsible for the general administration of all bureau of government activities both in Madison and at the various extension centers of the University of Wisconsin.

James S. Schell, completing his doctorate work at the University of Wisconsin, was appointed an instructor in political science at Emory University for the academic year 1960–61.

Otis H. Shao has been appointed chairman of the new department of political science at Moravian College.

Foster Sherwood, professor of political science at UCLA has been appointed vice chancellor in charge of academic affairs for the University of California, Los Angeles.

William Siffin is now associate professor of government at Indiana.

Reed M. Smith, formerly assistant professor of political science, Baldwin-Wallace College, has been appointed lecturer in the political science department University of Pennsylvania, and educational assistant at the Fels Institute of Local and State Government.

Robert F. Smith, formerly of Southern Methodist, has been appointed associate professor at Skidmore College.

Charles I. Stastny has joined the department at Skidmore as instructor.

Peter Stercho has been appointed to an associate professorship at Saint Vincent College.

Robert H. Stoudemire has been promoted to assistant professor in the bureau of public administration and the department of political science, University of South Carolina.

Edward Taborsky has been promoted to the rank of full professor at the University of Texas.

Richard W. Taylor has been promoted to professor of political science at Coe College. He has also been elected secretary of the Midwest Faculty Conference.

William Thomas has been appointed assistant professor at Skidmore.

Thomas F. Thompson was appointed assistant professor of political science, beginning September 1, 1960 at the University of Wisconsin, extension division.

Jan F. Triska, formerly of Cornell University, was appointed associate professor of political science at Stanford University, beginning autumn, 1960.

Robert Tucker has been promoted to a full professorship at Indiana University.

P. J. Vatikiotis is now associate professor of government at Indiana University.

Robert Warren is now acting assistant professor at the University of Washington.

Paul A. Weidner formerly chairman of the department of social sciences at Henry Ford College, in Dearborn, Michigan, has been appointed associate professor of political science at the University of Akron.

Lea E. Williams has been promoted to associate professor at Brown University.

Benjamin F. Wright formerly president of Smith College, has accepted an appointment as professor of government and director of American Studies at the University of Texas.

IN MEMORIAM

Nelson E. Taylor, Jr., assistant professor of political science at Vassar College, died on November 12, 1960.

Before joining the Vassar faculty in 1954, Dr. Taylor had taught at Tufts College, Louisiana State University, and the University of Vermont. He graduated with honors from the University of Virginia in 1943 and was awarded the M.A. and the Ph.D. degrees by Harvard University. He was a member of Phi Beta Kappa, the American Political Science Association, the American Society for Public Administration, and the Southern Political Science Association.

Dr. Taylor was the editor of a recent book on American parties and politics, entitled "Know Your Candidate." This was an analysis, by means of their own words, of the positions taken by Vice President Nixon and Senator Kennedy on major policy issues. Dr. Taylor also served as director of research and writer for Gore Vidal, the unsuccessful Democratic-Liberal candidate for Congress in New York's 29th District.

In 1957, Dr. Taylor worked on projects for the New York State Temporary Commission on the Constitutional Convention, which was established by the state legislature to undertake studies in preparation for a constitutional convention.

During the summer of 1958, Dr. Taylor served as director of the joint Wellesley-Vassar Summer Intern Program, in Washington, D.C. In 1959, he became secretary of the Vassar College faculty.

In a few short years, Dr. Taylor became a valuable member of Vassar's department of political science. He was an excellent and highly effective teacher; he was a gentleman deeply respected by both his colleagues and students.

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Following the discussion at the business meeting of the 1960 annual meeting in New York City and the mail ballot by Association members, the Executive Committee of the Association has decided to extend the length of the annual meeting this year to four days.

The 1961 annual meeting, to be held at the Sheraton-Jefferson Hotel, St. Louis, Missouri, will open on Wednesday, September 6, and end on Saturday, September 9.

GRANTS FOR ASIAN POLITICAL SCIENTISTS

The American Political Science Association has received from The Asia Foundation a grant for encouraging closer relations between Asian and American political scientists. The funds will be used in three ways:

1) To enable Asian political scientists to become members of The American Political Science Association for a three-year period at greatly reduced rates. Membership includes subscription to *The American Political Science Review.*

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2) To enable libraries, university departments, and research institutes in Asia, who have heretofore been unable to do so, to subscribe to *The American Political Science Review* at greatly reduced rates.

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3) To supplement travel expenses of Asian political scientists who are in the United States and who wish to attend meetings of The American Political Science Association. The next meeting will be held September 6-9, 1961, in the Sheraton-Jefferson Hotel, St. Louis, Mo.

(Applicants must be at least at the graduate student level and may come from any Asian country from Afghanistan eastward. Applications should be sent to The American Political Science Association, 1726 Massachusetts Avenue, N.W., Washington 6, D. C. In his request the applicant should give his regular academic position, the nature of his study or visit in the United States, and the sum necessary for travel to and from the meeting.)

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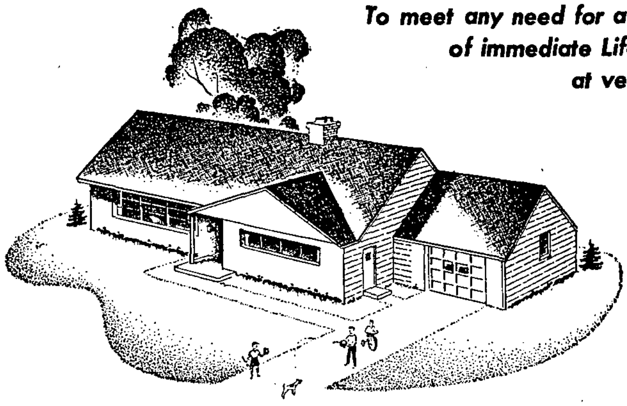

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